

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 10 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
36-11573	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Benjamin E. Leno
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Heyburn
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 941 18th St. Heyburn ID 83336
Mailing address City State ZIP
- 208-679-8158 tmorley@heyburncity.org
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 2/18/2021
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: *Dick Calbraith* Mayor May 05, 2021
Signature of new owner/claimant Title, if applicable Date

Signature: _____ _____ _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by SC Date 5/10/21 Receipt No. 5038575 Receipt Amt. \$25.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by KA Date 6-14-2021

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Heyburn
941 18th Street
PO Box 147
Heyburn, Id 83336

Instrument # 559827
MINIDOKA COUNTY, RUPERT, IDAHO
2-19-2021 10:44:11 AM No. of Pages: 4
Recorded for : CITY OF HEYBURN
TONYA PAGE Fee: 0.00
Ex-Officio Recorder Deputy W

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

Paul Ross, Personal Representative for the Estate of Delmer Wayne Romberg and Alice Faye Romberg, whose address is 101 West 18th Street, Burley, Idaho 83318 (hereinafter collectively "Grantor") does hereby grant, bargain, sell, assign, and convey unto **City of Heyburn**, an Idaho municipal corporation, whose address is 914 18th Street, Heyburn, Idaho 83336 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right No. 36-11573 described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

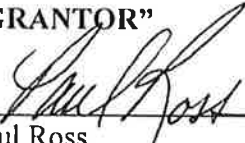
Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

[SIGNATURES ON FOLLOWING PAGE]

DATED this 18 February 2021

"GRANTOR"



Paul Ross
Personal Representative
Estate of Delmer Wayne Romberg and
and Alice Faye Romberg

STATE OF IDAHO)
)ss.
County of Cassia)

On this 18 February 2021, before me, a Notary Public in and for said State, personally appeared Paul Ross, known or identified to me as the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Delmer Wayne Romberg and Alice Faye Romberg, deceased, and acknowledged to me that he executed the same as Personal Representative.





Notary Public for Idaho

EXHIBIT A
WATER RIGHT DESCRIPTION

2/17/2021

Water Right Report

Idaho Department of Water Resources

WATER RIGHT REPORT

2/17/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 36-11573

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	Benjamin E Leno
Current Owner	Cora M Leno
	PO BOX 118
	HEYBURN, ID 83336
	2086788049

Priority Date:12/31/1915

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
Ground Water	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.02 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SWSWNW Sec. 10 | Township 10S | Range 23 E | Minidoka County

Place(s) of Use:

Place of Use Legal Description: STOCKWATER MINIDOKA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	23E	10		SWNW										

Place of Use Legal Description: DOMESTIC MINIDOKA COUNTY

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	23E	10		SWNW										

Conditions of approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER UNDER THIS RIGHT IS NOT A DETERMINATION
OF HISTORICAL BENEFICIAL USE
3. PARCEL NO. RP 07640000014A. STOCKWATER / 6 HORSES

Dates:

Licensed Date:

Decreed Date: 12/10/96

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State of Federal: S

Owner Name Connector: OR

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Paul Ross
PO Box 483
Paul, ID 83347
T: (208) 219-7997
#8676
F: (208) 416-6996
paul@paulnjrosslaw.com
Personal Representative

Filed: 06/08/2020 13:04:53
Fifth Judicial District, Minidoka County
Tonya Page, Clerk of the Court
By: Deputy Clerk - Ramirez, Jessica

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF MINIDOKA

IN THE MATTER OF THE ESTATE OF

DELMER WAYNE ROMBERG,
ALICE FAYE ROMBERG,
Deceased.

Case No. CV34-20-434

LETTERS OF ADMINISTRATION

Paul Ross is appointed Personal Representative of the Estate of Delmer Wayne Romberg and Alice Faye Romberg, deceased, with all pertaining authority. Administration of the Estate is unsupervised.

These Letters are issued to evidence the appointment, qualification, and authority of the Personal Representative.

Date: _____

Signed: 6/8/2020 11:41 AM

Judge



State of Idaho } ss.
County of Minidoka }

I hereby certify the foregoing to be full, true and correct copy of the original on file in the above entitled action.

Dated _____ Signed: 6/8/2020 01:20 PM _____, 20____

Tonya Page
Clerk of District Court

By

Deputy

Instrument # 555654

MINIDOKA COUNTY, RUPERT, IDAHO
6-12-2020 11:39:38 AM No. of Pages: 1
Recorded for: PAUL ROSS
TONYA PAGE Fee: 10.00
Ex-Officio Recorder Deputy

441865

DEED OF PERSONAL REPRESENTATIVE

THIS DEED made this 14th day of ~~April~~^{May}, 1999, by and between ALICE ROMBERG, the duly appointed, qualified and acting Personal Representative of the Estate of Benjamin E. Leno, deceased, as Grantor, and DELMER W. ROMBERG and ALICE ROMBERG, husband and wife, as Grantees, whose present address is P.O. Box 65, Heyburn, Idaho.

W I T N E S S E T H:

That the said Alice Romberg, Personal Representative of the Estate of Benjamin E. Leno, deceased, having heretofore duly recorded a certified copy of the Letters of Administration, does hereby grant, release and convey all of the right, title and interest of the estate of Benjamin E. Leno to the said Delmer W. Romberg and Alice Romberg, husband and wife, Grantees, the following described real property situated in Minidoka County, Idaho, to wit:

All of Tract No. 14 of Millard Acreage, Minidoka County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County, EXCEPTING THEREFROM that portion deeded to the State of Idaho for road purposes, and also EXCEPTING THEREFROM the following described parcels:

Parcel 1:

Beginning at the Southwest corner of Block 12 of said Millard Acreages; thence East 198 feet to the Southeast corner of Block 12; thence South 430.31 feet to edge of drain; thence West along said drain 198 feet, more or less, to a point 424.09 feet South of the Southwest corner of Block 12; thence North 424.09 feet to the Point of Beginning.

Parcel 2:

Beginning at the Southwest corner of Block 11 of said Millard Acreages; thence East 198 feet; thence South 429.09 feet to the bank of the drain ditch; thence West along said bank to a point directly South of the beginning point; thence North 425.35 feet to the Point

of Beginning.

TO HAVE AND TO HOLD all and singular the above-granted premises, together with the appurtenances, and every part thereof, unto the Grantees, their heirs and assigns forever. And the Grantor does covenant and agree that she is making this conveyance, in pursuance of the authority granted in and by the court wherein she was appointed and the statutes of the State of Idaho.

This deed is executed and delivered pursuant to an order approving sale of real and personal property in the matter of the Estate of Benjamin E. Leno dated April 19, 1999.

IN WITNESS WHEREOF, the said Grantor has set her hand the day and year first above written.

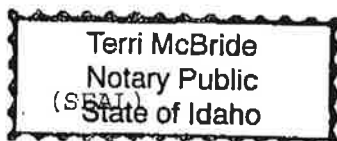


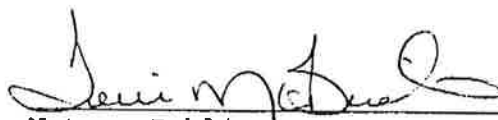
Alice Romberg

STATE OF IDAHO)
) ss.
County of Cassia)

On this 14th day of ~~April~~ ^{MAY}, 1999, before me the undersigned notary public in and for said state, personally appeared ALICE ROMBERG, known to me to be the person whose name is subscribed to the within instrument as personal representative of the estate of Benjamin E. Leno, and acknowledged to me that she executed the same as such personal representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.





Notary Public
Residing at Expert
My Commission expires 12-1-2000

RECORDED AT REQUEST OF
Land Title-Burley
FILE NO. _____
APR 19 15 : 01
IDAHO COUNTY, IDAHO
DEPUTY CLERK

441865

Donald J. Chisholm, Esquire
Chisholm Law Office
Attorney at Law
223 East Main Street
P.O. Box 1118
Burley, Idaho 83318
Telephone: (208) 678-9181

Attorney for Estate

441864

MINIDOKA COUNTY, IDAHO

FILED

SEP 14 1998

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

MAGISTRATE DIVISION

IN THE MATTER OF THE
ESTATE OF:

BENJAMIN E. LENO,

Deceased.

CASE NO. SP-98-00328

LETTERS OF ADMINISTRATION

Alice Romberg is hereby appointed Personal Representative of the Estate of Benjamin E. Leno, deceased. Said Personal Representative may exercise all powers of a Personal Representative which are permitted by law without restriction.

WITNESS: The Honorable Magistrate of the District Court, County of Minidoka, State of Idaho, with the seal of the Court affixed this 14 day of September, 1998.

(SEAL)

/s/ LARRY R. DUFF
Magistrate Judge

Letters of administration
Page 1
estates\leno.10a\brb

STATE OF IDAHO)
) ss.
County of Cassia)

I hereby accept the duties of Personal Representative of the Estate of Benjamin E. Leno and do solemnly swear that I will perform according to law, the duties of Personal Representative.

Alice Romberg
Alice Romberg

SUBSCRIBED AND SWORN TO before me this 10th day of September, 1998.

(SEAL)

Donald M. Mink
Notary Public
Residing at Kenner
My Commission expires 2-14-2000

441864

RECORDED AT REQUEST OF
Land Title-Burley
FILED NO. _____
'99 PMY 19 15 : 00
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 6 DEPUTY del

Letters of administration
Page 2
estates\leno.loan\Brb



State of Idaho)
County of Minidoka) ss.
I hereby certify the foregoing to be a full true and correct copy of the original on file in the above entitled action.
Dated: 09/14, 1998.

DUANE SMITH
Minidoka County, State of Idaho
Clerk of District Court of 5th Judicial
District, Magistrate Division
By Dee Villanueva
Deputy Clerk

✓
381812

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA
MAGISTRATE DIVISION

In the matter of the estate of	) ES No. 1330
	)
FLORENCE MARIE LENO, also known as	) <u>ORDER OF INTESTACY AND</u>
FLORENCE M. LENO,	) <u>DETERMINATION OF</u>
	) <u>SURVIVING SPOUSE AS SOLE</u>
Deceased.	) <u>HEIR</u>
	)

The petition of Benjamin Ernest Leno, for an adjudication of the death intestate of decedent, FLORENCE MARIE LENO, also known as FLORENCE M. LENO, and for summary administration of the estate of said decedent by petitioner as surviving spouse and sole beneficiary of said decedent pursuant to the provisions of Section 15-3-1205, Idaho Code, having duly and regularly come on before the court for hearing on Monday, the 17th day of October, 1988, pursuant to due and regular notice thereof as required by law, and no one having appeared to object to, or contest said petition, and no written objections having been interposed thereto, the court makes its findings, conclusions of law, and enters its orders as follows:

ORDER OF INTESTACY AND
DETERMINATION OF SURVIVING
SPOUSE AS SOLE HEIR

1. That decedent, FLORENCE MARIE LENO, also known as FLORENCE M. LENO, died on the 6th day of August, 1986, at Minidoka County, Idaho. That at the time of her death, the decedent was of the age of 61 years, and was domiciled in Minidoka County, Idaho.

2. The decedent died intestate.

3. That at the time of decedent's death she was married to petitioner, Benjamin Ernest Leno, and that the said petitioner is the surviving spouse and sole beneficiary of decedent, FLORENCE MARIE LENO, also known as FLORENCE M. LENO.

4. That the decedent left an estate consisting solely of the community property of the decedent and her surviving spouse, described on Exhibit "A" attached hereto and by this reference made a part hereof the same as though fully set forth herein at length.

5. That the venue of these proceedings is proper pursuant to the provisions of Section 15-3-201, Idaho Code, because she was a resident of and domiciled in said county and state.

6. That an order was heretofore entered by the above entitled court setting Monday, the 17th day of October, 1988, at the courtroom thereof in Rupert, Minidoka County, Idaho, as the time and place for hearing upon the petition for summary administration; and that pursuant to such order notice to all persons interested in the estate of the decedent was given by mailing a copy thereof at least fourteen (14) days before the

ORDER OF INTESTACY AND
DETERMINATION OF SURVIVING
SPOUSE AS SOLE HEIR

time set for hearing by ordinary first class mail addressed to such interested persons at their place of residence.

7. That due and regular notice has been given as required by law and by order of the court.

8. That petitioner, Benjamin Ernest Leno, is entitled to a decree that the petitioner is the surviving spouse and sole heir of decedent, FLORENCE MARIE LENO, also known as FLORENCE M. LENO, and that all property of the decedent be distributed to the petitioner, and the petitioner decreed to be the owner thereof.

9. That no state tax is due and owing by the estate.

10. That no Federal Estate Tax is due and owing by the estate.

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED that petitioner, Benjamin Ernest Leno, is the surviving spouse and sole beneficiary of decedent, FLORENCE MARIE LENO, also known as FLORENCE M. LENO, who died intestate at the age of 61 years while domiciled in Minidoka County, Idaho; and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title, claim and interest of decedent, FLORENCE MARIE LENO, also known as FLORENCE M. LENO, in and to the property described on Exhibit "A" attached hereto and by this reference made a part hereof the same as though fully and completely set forth herein at length, together with any and all other property of every kind and nature of the decedent, or her estate, not now known or discovered, or to be hereafter known or discovered, should be, and hereby is, ordered distributed to, and title thereto is

ORDER OF INTESTACY AND
DETERMINATION OF SURVIVING
SPOUSE AS SOLE HEIR

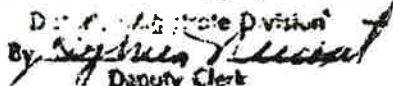
deceded to be vested in, Benjamin Ernest Leno, the surviving spouse of decedent, FLORENCE MARIE LENO, also known as FLORENCE M. LENO.

DATED this 17th day of October, 1988.


Magistrate

• Idaho 1
County of Blaine 1 is
-b- ... to be a full true and correct
... no omitted action.

10-17 88

By 
Deputy Clerk

ORDER OF INTESTACY AND
DETERMINATION OF SURVIVING
SPOUSE AS SOLE HEIR

RECORDED
INDEXED
OCT 17 9 35 PM '88
CLERK
15-
US

381812

EXHIBIT "A"

Real Property:

The following described property located in Minidoka County, Idaho

All of Tract No. 14 of Millard Acreages, Minidoka County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County, EXCEPTING THEREFROM that portion deeded to the State of Idaho for road purposes, and ALSO EXCEPTING THEREFROM the following described parcels:

PARCEL NO. 1:

Beginning at the Southwest corner of Block 12 of said Millard Acreages; thence East 198 feet to the Southeast corner of Block 12; thence South 430.31 feet to the of drain; thence West along said drain 198 feet, more or less, to a point 424.09 feet South of the Southwest corner of Block 12; thence North 424.09 feet to the Point of Beginning.

PARCEL NO. 2:

Beginning at the Southwest corner of Block 11 of said Millard Acreages; thence East 198 feet; thence South 429.09 feet to the bank of the drain ditch; thence West along said bank to a point directly South of the beginning point; thence North 424.35 feet to the Point of Beginning.

The following described property located in Cassia County, Idaho

The North Half of Lot One (1), Block Eighteen (18) of the Oakley Townsite as the same is platted in the official plat thereof, now of record in the office of the County Recorder of the County of Cassia, State of Idaho

Personal Property:

**1975 3/4 ton Ford pickup vehicle
1975 Ford Pinto automobile**

Various and sundry items of household goods, furniture, furnishings and effects



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 14, 2021

CITY OF HEYBURN
941 18TH ST
HEYBURN ID 83336-4902

Re: Change in Ownership for Water Right No(s): 36-11573

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Kent Aasa
Water Resource Agent, Senior

Enclosure(s)

Cc: McHugh Bromley

Attorneys at Law attention: Chris Bromley

McHUGH BROMLEY

ATTORNEYS AT LAW, PLLC

Candice M. McHugh
cmchugh@mchughbromley.com

380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

May 6, 2021

Idaho Dept. of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, Idaho 83301-5858

RECEIVED

MAY 10 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: Change of Ownership, 36-11573

Dear Clerk:

Please find enclosed a *Notice of Change in Water Right Ownership* as to water right no. 36-11573 filed on behalf of the City of Heyburn, along with a check for \$25.00. Water right no. 36-11573 was decreed in the Snake River Basin Adjudication to Benjamin E. Leno. The City was deeded the right on February 19, 2021 from the personal representative of the estate of Delmer and Alice Romberg, recorded in Minidoka County as Instrument No. 559827. Alice Romberg's maiden name was Leno and her father was Benjamin E. Leno. The Rombergs were deeded the right on May 14, 1999 from the estate of Benjamin E. Leno, recorded in Minidoka County as Instrument No. 441865. I am also enclosing the testamentary documents showing the authorities for the conveyances.

Please send all correspondence to me.

If you have any questions, please do not hesitate to contact me.

Sincerely,



CHRIS M. BROMLEY

Encls.