

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 23 2020

DEPARTMENT OF
WATER RESOURCES

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?
35-2122	Yes <input checked="" type="checkbox"/>			Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
35-7417	Yes <input checked="" type="checkbox"/>	35-2122 Split into 35-2122 & 34-14680		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	35-7417 Split into 35-7417 & 35-14683		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>			Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>			Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Kip M. Hunter & Brandi Hunter
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
- PO BOX 147 HEYBURN ID 83336
Mailing address City State ZIP
- (208) 679-8158 _____
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: October 3rd, 2019
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: [Signature] [Signature] 27 Apr 20
 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 _____ Date _____ Receipt No. C108656 Receipt Amt. _____

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 [Signature] Date 4-30-2020

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

The City of Heyburn
PO Box 147
Heyburn, ID 83336

Instrument # 711348
BINGHAM COUNTY, IDAHO
2019-10-16 01:07:10 PM No. of Pages: 3
Recorded for: TITLEONE - BURLEY
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

(Space Above For Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Idaho Water Company, LLC, an Idaho limited liability company, whose address is 1135 Valley Road South, Eden, Idaho 83325, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto **The City of Heyburn**, an Idaho municipal corporation, whose address is 941 18th Street, Heyburn, ID 83336 ("Grantee"), and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in and to the Water Rights described in "Attachment A" attached hereto and incorporated herein by reference (the "Water Rights").

Grantor hereby covenants and warrants to Grantee as follows:

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


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

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

DATED this 3rd day of Oct, 2019

IDAHO WATER COMPANY, LLC

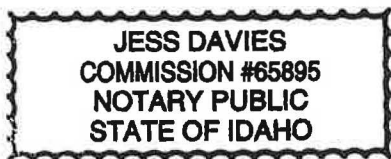
By:


Delbert G. Koltz, Member

STATE OF IDAHO)
) ss.
County of CASSIA)

On this 3rd day of October, 2019, before me, a Notary Public for said County and State, personally appeared DELBERT G. KOHTZ, known or identified to me, to be one of the members of the limited liability company of IDAHO WATER COMPANY, LLC, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

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



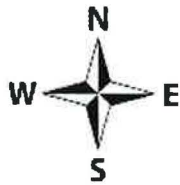
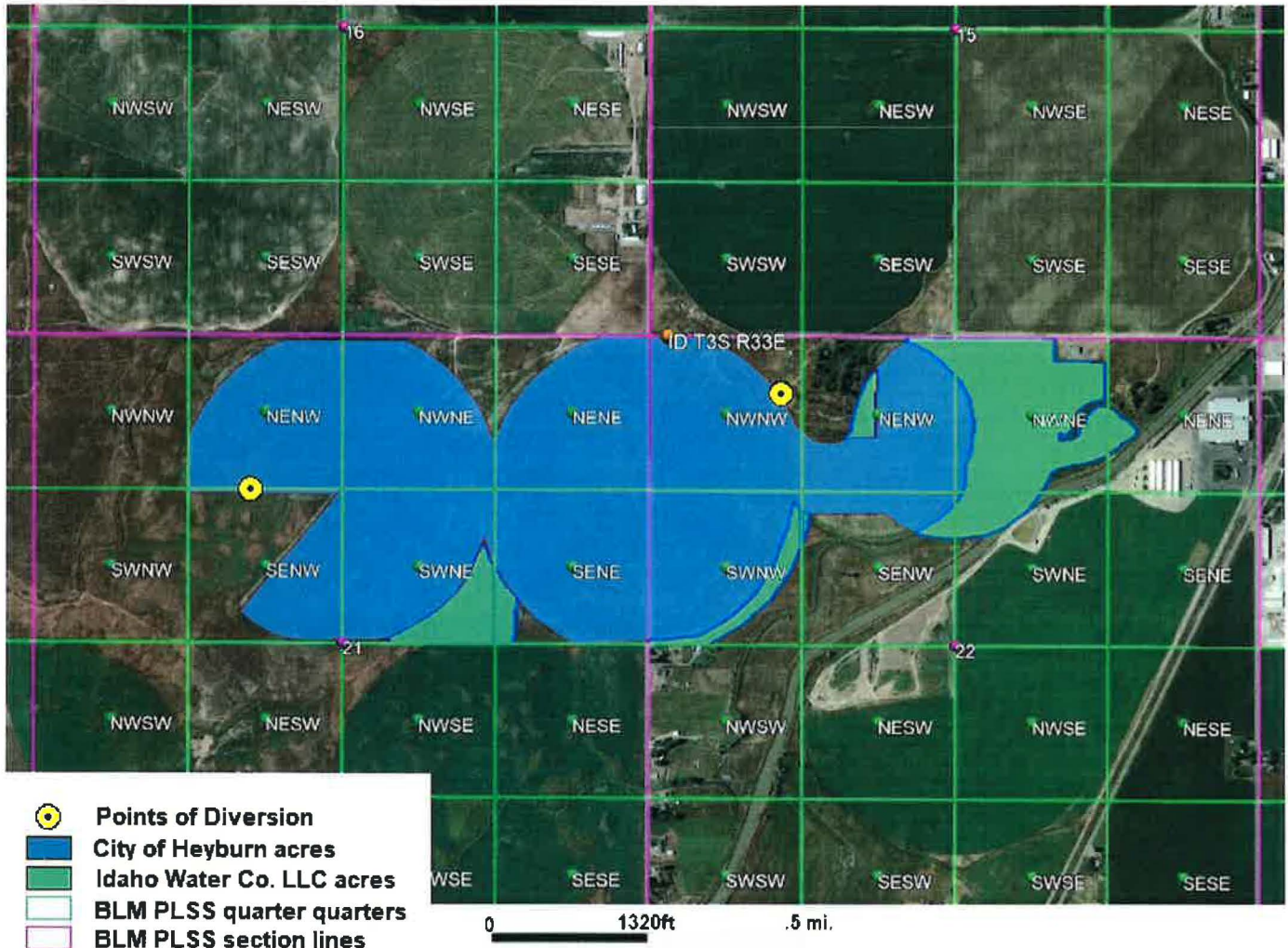
J. Davies
NOTARY PUBLIC FOR IDAHO
Residing at: Minidoka County
My commission expires: 7/7/21

ATTACHMENT A
To Special Warranty Deed for Water Rights

Water Right No:	35-2122
Source:	Ground water
Purpose:	Irrigation
Priority:	December 24, 1948
Quantity (Diversion Rate):	2.67 cfs of the total authorized 3.2 cfs
Quantity (Volume):	534.2 acre-feet per annum
Place of Use (Acreage):	133.5 acres of the 337.5 authorized acres

Water Right No:	35-7417
Source:	Ground water
Purpose:	Irrigation
Priority:	May 27, 1974
Quantity (Diversion Rate):	1.48 cfs of the total authorized 1.77 cfs
Quantity (Volume):	627.1 acre-feet per annum
Place of Use (Acreage):	166.9 acres of the 337.5 authorized acres

T3S R33E, Bingham County, ID



35-2122, 35-7417 / T3S R33E BINGHAM COUNTY							
SEC 21			HEYBURN	IWC	SEC 22		
NENE	33.8	33.8	0		NENE	1.2	0 1.2
NWNE	33.2	33.2	0		NWNE	33.5	2.6 30.9
SWNE	40	32	8		SWNE	4.6	0 4.6
SENE	38.1	36	2.1		NENW	28.4	25.5 2.9
NENW	33.1	33.1	0		NWNW	34	34 0
SENW	15.9	15.9	0		SWNW	34.3	29.3 5
					SENW	7.4	6.3 1.1
	194.1	184	10.1			143.4	97.7 45.7
Total ac. Heyburn IWC							
	337.5	281.7	55.8				



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 4, 2020

CITY OF HEYBURN
PO BOX 147
HEYBURN ID 83336-0147

Re: Change in Water Right Ownership: 35-2122 (Split into 35-2122 and **35-14680**), 35-7417 (Split into 35-7417 and **35-14683**)

Dear Water Right Holder(s):

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

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

C: Idaho Water Company LLC
Water District No. 120

Hersley, Jean

From: kevin@idahowatercompany.com
Sent: Thursday, April 23, 2020 4:16 PM
To: Hersley, Jean
Subject: RE: Notice of change in Water Right Ownership for 35-2122 & 35-7417

Hi Jean,

Yes, you are correct. The split is between the City of Heyburn and Idaho Water Co. LLC. The divisions are specified on the included spreadsheet with the map attachment.

Thank you for your work on this. We appreciate you still being available during the shutdown.

Best,

Kevin G. Kohtz, J.D.
IDAHO WATER CO. LLC.
WATER RIGHTS & TRANSFERS
P.O. Box 191190
Boise, ID 83719
Tel: +1.208.391.4700
Mobile: +1.208.559.0974
Email: kevin@idahowatercompany.com

NOTICE: This email transmission is CONFIDENTIAL Work Product provided in contemplation of potential or future litigation. It is intended solely for the use of the individual(s) or entit(ies) named above, and may be Attorney-Client privileged. If you are not an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is STRICTLY PROHIBITED, including any unauthorized use of the information or reliance thereon. Absent a separate written agreement, nothing in this transmission conveys or confers an attorney-client relationship, or creates an offer or acceptance on any specified terms. The information is solely the opinion of the author. Outside an attorney-client relationship, it should not be relied upon or taken as legal advice. If you have received this transmission in error, please delete the material in its entirety, whether in electronic or hard copy format and immediately notify the sender of the error.

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Thursday, April 23, 2020 3:35 PM
To: info@idahowatercompany.com
Subject: Notice of change in Water Right Ownership for 35-2122 & 35-7417

The Department of Water Resources received a Notice of Change in Water Right Ownership for water rights 35-2122 and 35-7417. I have a few things that need to be clarified before I proceed.

There is a box on the form that asks if this is a split. That box was checked. According to the deeds provided, Kip and Brandi Hunter conveyed the entirety of water rights 35-2122 and 35-7417 to the Idaho Water Company, LLC. However, another deed conveys a portion of these rights to the City of Heyburn. Is this the split? Would you like me to split these rights so a portion is in the name of the Idaho Water Company and a portion is in the name of the City of Heyburn? With the information I have, that is how I will proceed unless I hear differently from you. Thank you.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942