

RECEIVED

APR 19 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. **IDWR / NORTH** 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?
85-07564	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:

Earl Hewett

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Heath H. Hewett, Jasmine L. Hewett

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

PO Box 215

Caldesar

ID

83524

Mailing address

City

State

ZIP

208-503-9039 208-790-1827

heath26hh@gmail.com

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: 2-11-19

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):

☐ \$25 per undivided water right.

☐ \$100 per split water right.

☐ 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.

Signature:

Signature of new owner/claimant

Title, if applicable

Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Accepted by NS Date 4-19-19

Receipt No. N834192

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 NS

Date

4-24-19

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the Water Right and Adjudication Search link at www.idwr.idaho.gov.

Use note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

6. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.

7. If you are unsure about the status of your water right in the Water Supply Bank, go to: www.idwr.idaho.gov/apps/ExtSearch/WSBSearch/WSBSearch.aspx. Input your water right number and click "Search." If you find your water right is in the Water Supply Bank and you want to release it so you can use it, you can download the Request to Release form from the forms portion of our website: www.idwr.idaho.gov. Your water right may not be available for immediate release if rented by another water user.

7. ATTACHMENTS

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are **not** conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

If the water right is leased to the Water Supply Bank and there is more than one owner, a Lessor Designation form must be completed to specify who the designated lessor will be. Each of the owners must sign the Lessor Designation form.

An IRS Form W-9 is required for all ownership changes pertaining to water rights leased to the Water Supply Bank. Refer to instructions in section 6 above to determine if the water right undergoing an ownership change is leased to the Water Supply Bank. An IRS W9 form can be downloaded from the Department's website: www.idwr.idaho.gov.

8. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you. Ownership changes for water rights leased to the Water Supply Bank should be sent to the State Office.**

IDWR Northern Region
7600 N Mineral Dr. Ste 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Eastern Region
900 N Skyline Dr. Ste A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
650 Addison Ave W. Ste 500
Twin Falls, ID 83301-5858
(208) 736-3033

~ * ~
IDWR State Office
322 East Front St. 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 337-1000

29561

Instrument # 864528

NEZ PERCE COUNTY

2-11-2019 04:03:58 PM No. of Pages: 3

Recorded for : LAND TITLE

PATTY WEEKS

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: WRNTY/QCD

Cindy S. Ocampo

WARRANTY DEED

For Value Received, THE HEWETT LIVING TRUST, dated December 13, 1996, by and through GERALD EARL HEWETT and SHARON LEE WILKINS, Co-Trustees, as Grantor, does hereby grant, bargain, sell and convey unto HEATH H. HEWETT and JASMINE L. HEWETT, husband and wife, the Grantees, whose current address is ^{P.O. Box 215} ~~907 Phinney Street~~, Culdesac, Idaho 83524, all of its interest in the following described premises situate in the County of Nez Perce, State of Idaho, to-wit:

x H H
x J L H

Lots One (1), Two (2), Three (3) and Four (4), of Block Four (4) of the Town of Culdesac, according to the recorded plat thereof, described as follows:

West One Hundred (100) feet of that part of Tax Number 1295, situated in Section 14, Township 35 North, Range 3 West, Boise Meridian, Metes and Bounds, Culdesac, Nez Perce County, Idaho, lying North of the County Road. This shall henceforth be called Lot One (1) of Tax Number 1295 Nez Perce County, Idaho.

Assessor's Lot Number 1295. BEGINNING at the Northeast corner of Main Street in the Village of Culdesac running East a distance of four hundred (400) feet; thence Northeasterly a distance of one hundred and fifty-eight (158) feet; thence Northwesterly a distance of two hundred and seventy-eight (278) feet; thence West a distance of two hundred and ninety-four (294) feet; thence South a distance of three hundred and sixty-one (361) feet to the place of beginning.

130 feet of St. Rose Street which is located between the following: Lots One (1), Two (2), Three (3) and Four (4) of Block Four (4) of Town of Culdesac, according to the recorded plat thereof.

The West one hundred thirty (130) feet of that part of Tax Number 1295, situated in Section 14, Township 35 North, Range 3 West, Boise Meridian, Metes and Bounds, Culdesac, Nez Perce County, Idaho, lying North of the County Road. This shall henceforth be called Lot One (1) of Tax Number 1295 Nez Perce County, Idaho.

SUBJECT TO Deed of Easement, including its terms, covenants and provisions, as disclosed by instrument recorded May 25, 1971, as Instrument No. 351104, records of Nez Perce County, Idaho.

SUBJECT TO Deed of Easement, including its terms, covenants and provisions, as disclosed by instrument recorded June 9, 1971, as Instrument No. 351459, records of Nez Perce County, Idaho.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that it is the owner in fee simple of said premises; that it is free from all encumbrances except those set forth above, and taxes, levies and assessments for 2019 and thereafter; and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal this 7 day of February, 2019.

GRANTOR:

THE HEWETT LIVING TRUST, dated
December 13, 1996

By: Gerald Earl Hewett, Trustee
GERALD EARL HEWETT, Trustee

By: Sharon Lee Wilkins, Trustee
SHARON LEE WILKINS, Trustee

② HHH

② Jasmin D. Hewett

STATE OF IDAHO)
 : ss
 County of Nez Perce)

On this 7 day of February, 2019, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared GERALD EARL HEWETT, known or identified to me to be the person whose name is subscribed to the within instrument as Co-Trustee of THE HEWETT LIVING TRUST, dated December 13, 1996, and acknowledged to me that he executed the same as such Co-Trustee.

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



Lori E. Stone
 Notary Public in and for the State of Idaho,
 residing at Clarkston WA.
 My commission expires 04/28/2024

STATE OF IDAHO)
 : ss
 County of Nez Perce)

On this 7 day of February, 2019, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared SHARON LEE WILKINS, known or identified to me to be the person whose name is subscribed to the within instrument as Co-Trustee of THE HEWETT LIVING TRUST, dated December 13, 1996, and acknowledged to me that she executed the same as such Co-Trustee.

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



Lori E. Stone
 Notary Public in and for the State of Idaho,
 residing at Clarkston WA.
 My commission expires 04/28/2024

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 85-07564

Priority: September 25, 1991

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 0.6 AF

This is to certify, that EARL HEWETT
PO BOX 93

CULDESAC ID 83524 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 16, 1991; and
has submitted Proof of Beneficial Use on December 2, 1991. An examination indicates
that the works have a diversion capacity of .040 cfs of water from:

LAPWAI CREEK tributary to CLEARWATER RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 18(NESE), Sec. 14, Township 35N, Range 03W
NEZ PERCE County

PLACE OF USE: DOMESTIC
TWN RGE SEC

35N 03W 14 NESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for irrigation of .25 acre.

State of Idaho
Department of Water Resources

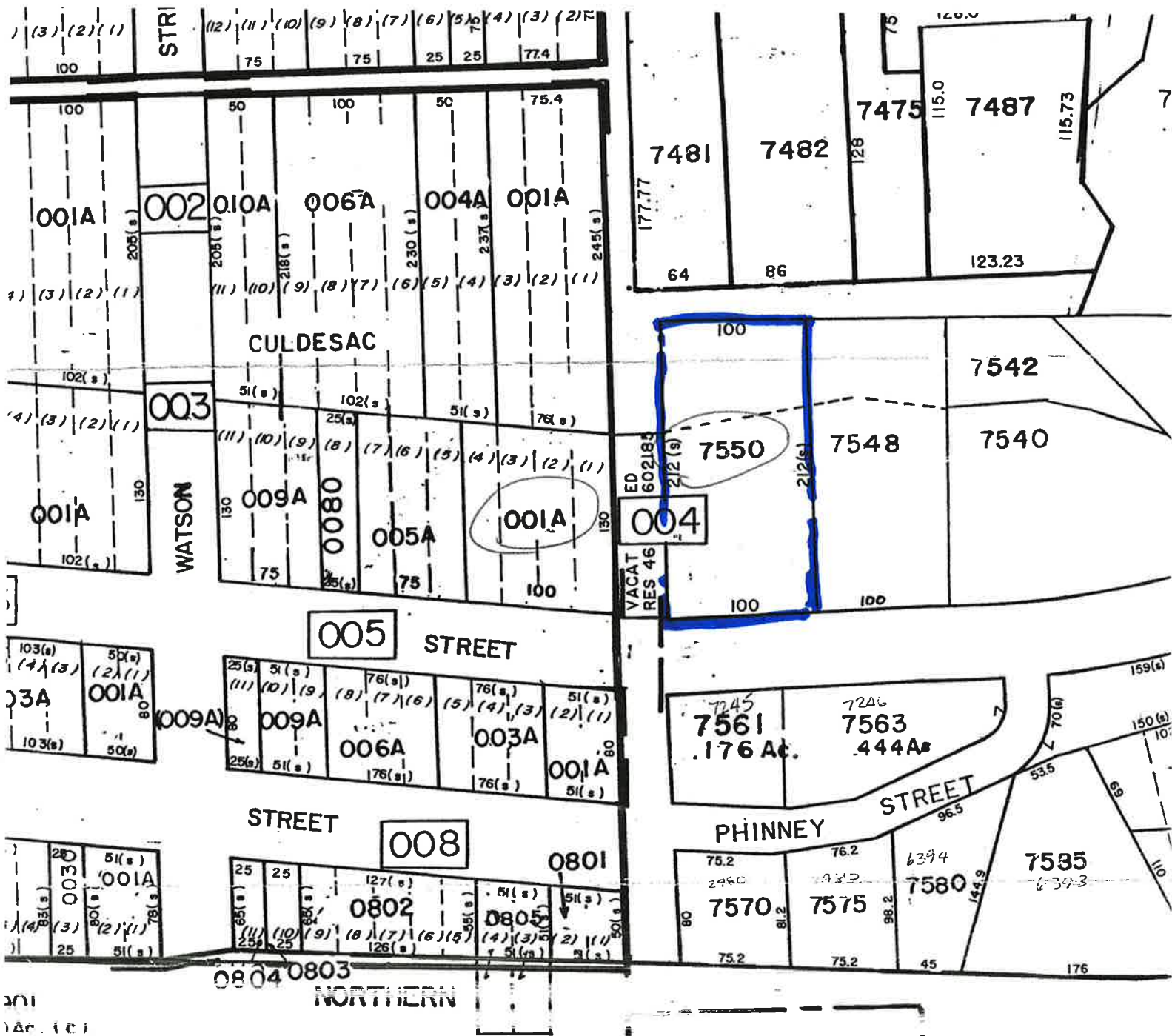
WATER RIGHT LICENSE

WATER RIGHT NO. 85-07564

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 12TH
day of JULY, 1993.

Acting for


R. Keith Higginson, Director



Lot 18 (NESE) Sec. 14 Township 35N, Range 03W
Nez Perce County

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 85-07564

Priority: September 25, 1991

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

0.6 AF

This is to certify, that EARL HEWETT

PO BOX 93

CULDESAC ID 83524

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 16, 1991; and has submitted Proof of Beneficial Use on December 2, 1991. An examination indicates that the works have a diversion capacity of .040 cfs of water from:

LAPWAI CREEK

tributary to CLEARWATER RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 18(NESE), Sec. 14, Township 35N, Range 03W
NEZ PERCE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

35N 03W 14

NESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for irrigation of .25 acre.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 85-07564

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 12TH
day of JULY, 1923.

Acting for


R. Keith Higginson, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 24, 2019

HEATH H HEWETT
JASMINE L HEWETT
PO BOX 215
CULDESAC ID 83524-0215

Re: Change in Ownership for Water Right No(s): 85-7564

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) 762-2813.

Sincerely,

Natalie Steading
Tech Records Specialist 1

Enclosure(s)