

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 28 2023

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP
Department of Water Resources
Eastern Region

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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
23-104	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: Oliver Dennis Fisher and Connie Sue Fisher

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Kirk I Hayenga and Mary H Hayenga

New owner(s) as listed on the conveyance document

Name connector ☒ and ☐ or

PO Box 11

Irwin

ID

83428

Mailing address

City

State

Zip

970-301-1730

khayenga62@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: 1/12/2015
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
- ☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
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.

8. Signature: Kirk Hayenga

Signature of new owner/claimant

Title, if applicable

Date

Print name

Signature: Mary H Hayenga

Signature of new owner/claimant

Title, if applicable

Date

Print name

Received by: JB Date: 8/28/2023

For IDWR Office Use Only:

Receipt No. E049450

Receipt Amt. \$100.-

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

Date

Refund Request - Returned

HAYENGA - 1829 OLD IRWIN RD IRWIN ID



Water Right Locator

Find water rights in Idaho

IDWR Home IDWR GIS Data Hub



HAYENGA PROPERTY
1829 OLD IRWIN RD.
10 ACRES

0 300 600ft

11/12/2013 4:03 PM

All rights reserved

Instrument # 1488833
IDAHO FALLS, BONNEVILLE, IDAHO
2015-01-12 11:46:27 AM No. of Pages: 2
Recorded for: ALLIANCE TITLE - IDAHO FALLS O
RONALD LONGMORE Fee: \$13.00
Ex-Officio Recorder Deputy DWoolf
Index To: DEED WARRANTY
Electronically Recorded by Simplifile

Alliance Title & Escrow Corp.
1070 Riverwalk Dr., Ste. 100
P.O. Box 50642
Idaho Falls, ID 83405-0642

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P.O. Box 50642
Idaho Falls, ID 83405-0642

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.: 252840

FOR VALUE RECEIVED

Oliver Dennis Fisher and Connie Sue Fisher, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Kirk I Hayenga and Mary Hayenga, husband and wife

whose current address is

~~1829 Old Iron Road~~ PO Box 3543, Alpine, WY 83128
~~Idaho Falls, ID 83405~~

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

Beginning at the Northwest Corner of Section 22, Township 1 North, Range 44, East of the Boise Meridian, Bonneville County, Idaho; running thence South 00°01'04" East along the Section line 2648.99 feet to the West Quarter corner of said Section; thence North 89°56'44" East along the East-West center section line 1444.79 feet to the true point of beginning; thence North 89°56'44" East along said center section line 299.45 feet; thence South 02°36'53" East 1324.41 feet to the South line of the Northeast Quarter of the Southwest Quarter of said section; thence South 89°54'04" West along said South line 359.16 feet; thence North 00°01'51" West 1323.37 feet to the true point of beginning.

TOGETHER WITH AND SUBJECT TO: Existing County Road right of way and easements of record and a perpetual easement for the purposes of ingress, egress, construction, maintenance, and repair of any improvements existing or placed upon said easement. The easement being 60 feet in width and its boundary described as follows: Beginning at the Northwest corner of Section 22, Township 1 North, Range 44, East of the Boise Meridian, Bonneville County, Idaho; running thence South 00°01'04" East along the Section line 2648.99 feet to the West Quarter corner of said Section; thence North 89°56'44" East along the East-West Center Section line 2407.21 feet; thence South 26°20'49" East 101.83 feet to the true point of beginning; running thence South 26°20'49" East 60.49 feet; thence South 56°18'32" West 347.18 feet; thence South 68°37'27" West 454.44 feet; thence North 02°36'53" West

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: January 6, 2015

Oliver Dennis Fisher
Oliver Dennis Fisher

Connie Sue Fisher
Connie Sue Fisher

State of Idaho } ss
County of Lewiston }

On this 8th day of January, 2015, before me, the undersigned, a Notary Public in and for said state, personally appeared Oliver Dennis Fisher and Connie Sue Fisher, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

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

Shirley Brewer

Notary Public for the State of Idaho
Residing at: Kamiah ID
Commission Expires: 09/20/2016

SHIRLEY BREWER
NOTARY PUBLIC
STATE OF IDAHO



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 31, 2023

Kirk Hayenga and Mary Hayenga
PO Box 11
Irwin, ID 83428

RE: Proposed Ownership Change for Water Right 23-104

Dear Property Owner:

On August 28, 2023, you filed a Notice of Change in Water Right Ownership, seeking to update the ownership records for water right 23-104, which is held by the Palisade Irrigation Company Inc. ("PIC"). Your notice did not include any deeds or other evidence showing that PIC has conveyed any portion of water right 23-104 to you. Before we can update the records for water right 23-104, you must provide evidence that you have acquired a portion of that right from PIC. It is possible that you have acquired and hold stock or shares in PIC. If that is the case, you should contact the company to update the relevant stock certificate for your property. The water rights, however, would remain in the name of PIC. In other words, an irrigation company owns the water rights, and shareholders simply own stock or shares in the company.

I have searched the Department's records for any other water rights that may be associated with your property. The only water rights I could find are 23-50D, 23-50E and 23-104, which are all held by PIC. I could not find evidence of water rights previously associated with your property. Even if such rights existed at one time, they would no longer be valid water rights. In 1987, the State of Idaho commenced the Snake River Basin Adjudication (SRBA), which was an inventory of all water rights in the Snake River Basin in Idaho. The SRBA lasted for more than twenty-five years. During that time, water users were required to identify and claim any water rights they believed they owned. The SRBA court issued a final decree for the SRBA in 2014. Except for small domestic and stockwater rights, the SRBA is closed. There were no SRBA claims filed for privately held water rights on your property.

Because it seems unlikely that PIC will convey a portion of water right 23-104 to a shareholder in the company, I have decided to return your ownership change notice and refund the associated filing fee (\$100). Feel free to refile the notice if PIC does convey you a portion of water right 23-104 or if you identify some other water right associated with your property. Please note, I have access to the same water rights records as the Boise office. I have notified the Boise office of my research and this letter to help them avoid duplicating my work. If you have any questions, please call me at (208) 525-7161.

Sincerely,

James Cefalo

Enclosure: Notice of Change in Water Right Ownership, Refund Request

Kirk Hayenga
1829 Old Irwin Road
PO Box 11
Irwin, ID 83428

August 22, 2023

IDWR Eastern Region
900 N. Skyline Drive Suite 1
Idaho Falls, ID 83402-1718

Re: Notice of Change of Water Right Ownership

Dear Sir/Madam:

Enclosed, please find our Notice of Change of Water Right Ownership, along with the required documentation and fees.

We purchased our 10-acre property in 2015. It is our understanding the previous owners (Fishers) purchased the property from the bank in a foreclosure sale. We were able to research the sale and ownership of the property dating back to when it was originally divided back in 1997. It is our understanding that our land had and should still have irrigation water rights; we'd like to have the shares that are associated with our 10 acres recorded in our names.

The current water rights location map shows the water right # listed as 23-104, 23-11J, 23-50E, and 23-50E when you scroll over our property on the IDWR locator map, with the owner being the Palisades Irrigation Company and Lynn Dixon. We have listed the first POU 23-104 on our application; please correct, as needed.

We have paid our annual dues to the Palisades Irrigation Company since we've owned our property (proof of payment available, if needed).

We have livestock and have an agricultural need to irrigate our property.

In addition, our tax assessment lists our land as "irrigated" land.

Please let us know if there is anything else you need from us. We can be reached at 970-301-1730

We are providing the historical ownership deeds for your reference to use as needed.

Thank you for your time and assistance with this matter.

Best Regards,
Kirk and Mary Heather Hayenga

Baily, Jonie

From: Baily, Jonie
Sent: Thursday, August 31, 2023 10:28 AM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt.PDF

Good morning!

I have a refund request as follows:

Receipt number: E049450
Amount: \$100.00
Payable to: Kirk Hayenga
PO Box 11
Irwin ID 83428

Reason: Ownership Change filed. The application could not be complete. Therefore, the applicant is entitled to a full refund.

Let me know if you have any questions or need additional information. Have a great day!!!



IDAHO DEPARTMENT OF
WATER RESOURCES

Jonie Baily | Technical Records Specialist
900 N Skyline Drive Ste. A, Idaho Falls, ID 83402
Phone number: (208) 525-7161
Fax number: (208) 525-7177
Email: jonie.barg@idwr.idaho.gov
Website: www.idwr.idaho.gov