

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 15 2023

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?
36-11280	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: William G Fulcher and Cynthia Fulcher
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: 6/9/2023
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] Mayor 9/11/2023
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by SG Date 9/15/2023 Receipt No. 5039937 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 [Signature] Date 10-2-23

WATER RIGHT QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, WILLIAM G. FULCHER and CYNTHIA FULCHER (hereinafter "GRANTOR"), whose address is 750 21st Street, Heyburn, Idaho 83336, do hereby bargain, sell, remise, release, convey, and forever quitclaim to the CITY OF HEYBURN, a municipal corporation (hereinafter "GRANTEE"), whose address is 941 18th Street, Heyburn, Idaho 83336, the entirety of water right no. 36-11280, partially decreed in the Snake River Basin Adjudication on November 26, 1996 with a diversion rate of 0.04 cfs, limited to 13,000 gallons per day for a domestic purpose of use, with a priority date of December 31, 1911 (the "Water Right"), which is appurtenant to the following real property:

Township 10S, Range 23E, Section 10, SWSE, Minidoka County.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed this 9th day of June, 2023.

WILLIAM G. FULCHER and CYNTHIA FULCHER

By:

William G. Fulcher
WILLIAM G. FULCHER, GRANTOR

By:

Cynthia Fulcher
CYNTHIA FULCHER, GRANTOR

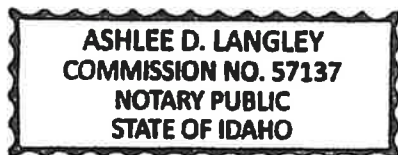
STATE OF IDAHO)
) s.s.
COUNTY OF MINIDOKA)

Instrument # 572657

MINIDOKA COUNTY, RUPERT, IDAHO
6-9-2023 02:49:33 PM No. of Pages: 1
Recorded for : CITY OF HEYBURN
 TONYA PAGE Fee: 0.00
Ex-Officio Recorder Deputy R8

On this 9th day of June, 2023, before me, the undersigned Notary of the State of Idaho in and for said county and state, personally appeared William G. Fulcher and Cynthia Fulcher known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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



Ashlee D. Langley
Notary Public of the State of Idaho
Residing at: Minidoka County
Commission Expires: 12/07/2028

WATER RIGHT QUITCLAIM DEED

PURCHASE AND SALE AGREEMENT

PARTIES: City of Heyburn ("City"), a Municipal Corporation of the State of Idaho, does hereby agree to purchase property from William G Fulcher and Cynthia Fulcher, ("Fulcher") who agrees to transfer property ("Property") from Real Parcel 10S23E108700 including the southernmost 45' of their property, 25' under 21st Street and another 20' north of 21st Street; westernmost 25' of their property, all under 450 West Road; and appurtenant Water Right No. 36-11280 all located in Heyburn, Minidoka County, State of Idaho. The legal description for the two parcels is attached as Exhibit A.

PURCHASE PRICE: The Purchase Price shall be the City installing culinary water and waste water line hook ups from City Services to the Fulcher residence and business at the time of their choosing, preferably when other work is being done for installation of new services under 450 West Road, but nontransferable to successors, heirs, or assigns. City will also waive related water and wastewater hookup fees.

TERMS OF PURCHASE: Fulcher agrees to convey as follows: Conveyance of the property under both roads and the 20' along 21st Street for the full length to City of Heyburn.

City agrees to install the water and sewer line from the main to meter and from the meter to the home and business. City will also move Fulcher signs if on City property or encroaching on City property when commencing to do work on 21st Street that affects such signage.

Fulcher agrees to convey groundwater right to city, 36-11280, after hook up to City water system.

NATURE OF TITLE CONVEYANCE: Fulcher shall convey title to City by a warranty deed that is marketable and insurable and free of any liens or other encumbrances unless specifically provided for in the deed.

CONSEQUENCES OF BREACH:

CITY: If City breaches the Purchase and Sale Agreement, Fulcher shall be entitled to pursue any and all applicable legal remedies, expressly including specific performance.

FULCHER: If Fulcher breaches the Purchase and Sale Agreement, the City shall be entitled to pursue any and all applicable legal remedies.

ATTORNEY FEES: If either City or Fulcher file suit against the other, the prevailing party shall be entitled to reasonable attorney fees and costs.

TIME IS OF THE ESSENCE: Given the nature of this agreement, both Buyer and Seller agree that time is of the essence in the performance of all obligations.

Instrument # 555665

MINIDOKA COUNTY, RUPERT, IDAHO
6-12-2020 02:46:41 PM No. of Pages: 6
Recorded for : CITY OF HEYBURN
TONYA PAGE Fee: 0.00
Ex-Officio Recorder Deputy

ACCEPTANCE: Acceptance of this Purchase and Sale Agreement shall occur when both City and Fulcher agree to the same terms. City must obtain approval of City Council before this Agreement is binding. Fulcher must obtain approval of this Agreement from any Members of any legal entity and shall reserve final approval pending review of the survey.

OPPORTUNITY FOR LEGAL COUNSEL: City and Fulcher represent they have had opportunity to seek independent legal counsel in connection with this Purchase and Sale Agreement. Interpretation of this Purchase and Sale Agreement shall not be construed against either party.

ENTIRE AGREEMENT: This Purchase and Sale Agreement with any referenced attachments shall constitute the entire agreement of the parties concerning the purchase of Property. No other understanding shall be binding unless agreed to by the parties in writing.



CITY OF HEYBURN
MAYOR MARK ROSA

Dated 6-11-2020



WILLIAM G FULCHER

Dated 6-10-2020



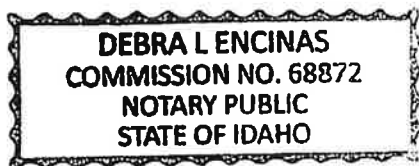
CYNTHIA FULCHER

Dated 6-10-2020

State of Idaho)
)ss.
County of Minidoka)

On this 10th day of June, 2020 before me the undersigned, a Notary Public in and for said State, personally appeared William Fulcher, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

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

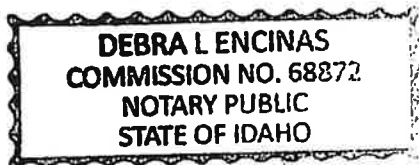


Debra L. Encinas
Notary Public for Idaho
Residing at: Cassia
Commission Expires: 11/16/2022

State of Idaho)
)ss.
County of Minidoka)

On this 10th day of June, 2020 before me the undersigned, a Notary Public in and for said State, personally appeared Cynthia Fulcher, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

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



Debra L. Encinas
Notary Public for Idaho
Residing at: Cassia
Commission Expires: 11/16/2022

State of Idaho)
)ss.
County of Minidoka)

On this 11th day of June, 2020 before me the undersigned, a Notary Public in and for said State, personally appeared Mayor Mark Rosa, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

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



Ashlee D. Langley
Notary Public for Idaho
Residing at: Minidoka County
Commission Expires: 12/07/2020

State of Idaho)
)ss.
County of Minidoka)

On this _____ day of _____, _____ before me the undersigned, a Notary Public in and for said State, personally appeared _____, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

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

Notary Public for Idaho
Residing at: _____
Commission Expires: _____

EXHIBIT A

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO.

PARCEL "D" LANDS OF FULCHER

A 45 FOOT STRIP OF LAND ALONG THE SOUTH BOUNDARY OF THE LANDS OF FULCHER ACCORDING TO WARRANTY DEED INSTR. No. 401598, MINIDOKA COUNTY RECORDS

SECTION 10: A PORTION OF SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER MORE PARTICULARLY DESCRIBED BELOW.

COMMENCING AT A 5/8" REBAR AT THE SOUTH QUARTER CORNER OF SECTION 10 AND THE TRUE POINT OF BEGINNING.

THENCE ALONG SAID SOUTH BOUNDARY OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER NORTH 89°38'43" EAST 262.94 FEET TO THE WEST LINE EXTENSION OF "G" STREET;

THENCE ALONG THE WEST LINE EXTENSION OF "G" STREET NORTH 0°32'56" WEST 45.00 FEET;

THENCE SOUTH 89°38'43" WEST PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER 262.81 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;

THENCE ALONG SAID WEST LINE SOUTH 0°22'39" EAST 45.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL "D" CONTAINS 0.27 ACRES MORE OR LESS.

And

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO.

PARCEL "E" LANDS OF FULCHER

A 25 FOOT STRIP OF LAND ALONG THE WEST BOUNDARY OF THE LANDS OF FULCHER ACCORDING TO WARRANTY DEED INSTR. No. 401598, MINIDOKA COUNTY RECORDS

SECTION 10: A PORTION OF SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER MORE PARTICULARLY DESCRIBED BELOW.

COMMENCING AT A 5/8" REBAR AT THE SOUTH QUARTER CORNER OF SECTION 10 AND THENCE RUNNING ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER NORTH 0°22'39" WEST 45.00 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID WEST LINE NORTH 0°22'39" WEST 402.56 FEET TO THE NORTHWEST CORNER OF THE LANDS OF FULCHER;

THENCE ALONG THE NORTH LINE OF THE LAND OF FULCHER NORTH $88^{\circ}37'55''$ EAST 25.00 FEET;

THENCE PARALLEL TO THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER SOUTH $0^{\circ}22'39''$ EAST 403.00 FEET;

THENCE SOUTH $89^{\circ}38'43''$ WEST 25.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL "E" CONTAINS 0.23 ACRES MORE OR LESS.



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 02, 2023

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

Re: Change in Ownership for Water Right No: 36-11280

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right 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,

Bill Mills
Water Resource Agent, Senior

Enclosure

C: MCHUGH & 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

September 12, 2023

RECEIVED

SEP 15 2023

EPT OF WATER RESOURCES
SOUTHERN REGION

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

Re: Change of Ownership, 36-11280

Dear Clerk:

Please find enclosed a *Notice of Change in Water Right Ownership* as to water right nos. 36-11280 filed on behalf of the City of Heyburn, along with a check in the amount of \$25.00.

Please send all correspondence to me.

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

Sincerely,



CHRIS M. BROMLEY

Encls.