

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 18 2017

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-7489 A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-13992	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Downey Properties, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Jeffrey D. Smith and Amy W. Smith
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☒ and/or
- Mailing address: P.O. Box 892 City: Draper State: UT ZIP: 84020
- Telephone: 801-910-1209 Email: jsmithdts@gmail.com

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: August 29, 2017

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.

SUPPORT DATA

IN FILE # 29-7489A

8. Signature: Jeffrey D. Smith Title, if applicable: _____ Date: 9-14-17
- Signature: Amy W. Smith Title, if applicable: _____ Date: 9-14-17

For IDWR Office Use Only:

Received by: B Date: 9/18/2017 Receipt No. E043389 Receipt Amt. \$50.-

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: B Processed by: B Date: 9/18/2017

First American Title - Pocatello

21712891 2017 Sep 01 PM 02:40:00

Electronically Recorded by Simplifile

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
223 North 15th Avenue
Pocatello, ID 83201

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **651012-P (cp)**

Date: **August 29, 2017**

For Value Received, **C. Leon Nelson and Becky R. Nelson, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Jeffrey D. Smith and Amy W. Smith, husband and wife as Joint Tenants with Full Rights of Survivorship**, hereinafter called the Grantee, whose current address is **P.O. Box 892, Draper, UT 84020**, the following described premises, situated in **Bannock County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

* C. Leon Nelson
C. Leon Nelson

* Becky R. Nelson
Becky R. Nelson

STATE OF Utah *)
COUNTY OF Salt Lake *) ss.

On this 31st day of August, 2017, before me, a Notary Public in and for said State, personally appeared C. Leon Nelson and Becky R. Nelson, 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 the same.

*
Seal

* Thomas Nelson
Notary Public for the State of Utah *
Residing at: Salt Lake City, Utah
My Commission Expires: December 8, 2017

APH: R4433020400

Warranty Deed
- continued

File No.: 651012-P (cp)
Date: 08/29/2017

EXHIBIT A

**TRACT 7 / DOWNEY NORTH
PARCEL 1A:**

TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 20: NW1/4 NE1/4.

PARCEL 1B:

TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 20: S1/2 SE1/4; NE1/4 SE1/4.

ALSO A ROAD RIGHT OF WAY 45 FEET IN WIDTH, THE CENTER LINE OF WHICH IS DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF THE SW1/4 NE1/4 AND RUNNING THENCE EAST 1320 FEET ALONG THE BOUNDARY BETWEEN NE1/4 SE1/4 AND THE SE1/4 NE1/4 IN SECTION 20, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

PARCEL 1C:

TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 20: E1/2 NW1/4; SW1/4 NE1/4; NW1/4 SE1/4.

Tract 7 - Vacant Land

TAX ID NUMBERS:

R4433020400

R4433020000

R4433019901

R4433020200.

WATER RIGHTS:

Claim	Part/Full	Source	CFS	Acres
29-7489A	100%	Well	2.02	115
29-13992	100%	Well	0.87	1.53

First American Title - Pocatello

21712890 2017 Sep 01 PM 02:40:00
Electronically Recorded by Simplifile

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
223 North 15th Avenue
Pocatello, ID 83201

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 651012-P (cp)

Date: August 29, 2017

For Value Received, Downey Properties, LLC, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto C. Leon Wilson, a married man, hereinafter called the Grantee, whose current address is 611-210 N. 15th Avenue, Pocatello, ID, the following described premises, situated in Bannock County, Idaho, to-wit: Legal Description attached hereto as Exhibit A, and by this reference incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements viable upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

DOWNEY PROPERTIES, LLC, a Utah

limited liability company by its Manager,

GOLDBERG PROPERTY MANAGEMENT.

LLC by its Managers

By: Marilynn Tetrick *

Marilynn Tetrick, Trustee of The Stanley Goldberg

Trust and The Sandra Goldberg Trust

By: C. Leon Nelson *

C. Leon Nelson, Trustee of The Stanley Goldberg

Trust and The Sandra Goldberg Trust

STATE OF Utah *)
COUNTY OF Salt Lake *)

On this 31st day of August, 2017, before me, a Notary Public in and for said State, personally appeared Marilyn Tetrick and C. Leon Nelson, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the Stanley Goldberg Trust and the Sandra Goldberg Trust, and acknowledged to me that they executed the same as such Trustees.

Thomas Nelson
Notary Public of Utah *)
Residing at: Salt Lake City, Utah
Commission Expires: December 8, 2017

*
Seal

APN: R4433020400

Warranty Deed
- continued

File No.: 651913-P (cp)
Date: 08/29/2017

EXHIBIT A

TRACT 7 / DOWNEY NORTH
PARCEL 1A:

TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 20: NW1/4 NE1/4.

PARCEL 1B:

TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 20: S1/2 SE1/4; NE1/4 SE1/4.

ALSO A ROAD RIGHT OF WAY 45 FEET IN WIDTH, THE CENTER LINE OF WHICH IS DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF THE SW1/4 NE1/4 AND RUNNING THENCE EAST 1320 FEET ALONG THE BOUNDARY BETWEEN NE1/4 SE1/4 AND THE SE1/4 NE1/4 IN SECTION 20, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

PARCEL 1C:

TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 20: E1/2 NW1/4; SW1/4 NE1/4; NW1/4 SE1/4.

Tract 7 - Vacant Land

TAX ID NUMBERS:

R4433020400
R4433020000
R4433019901
R4433020200.

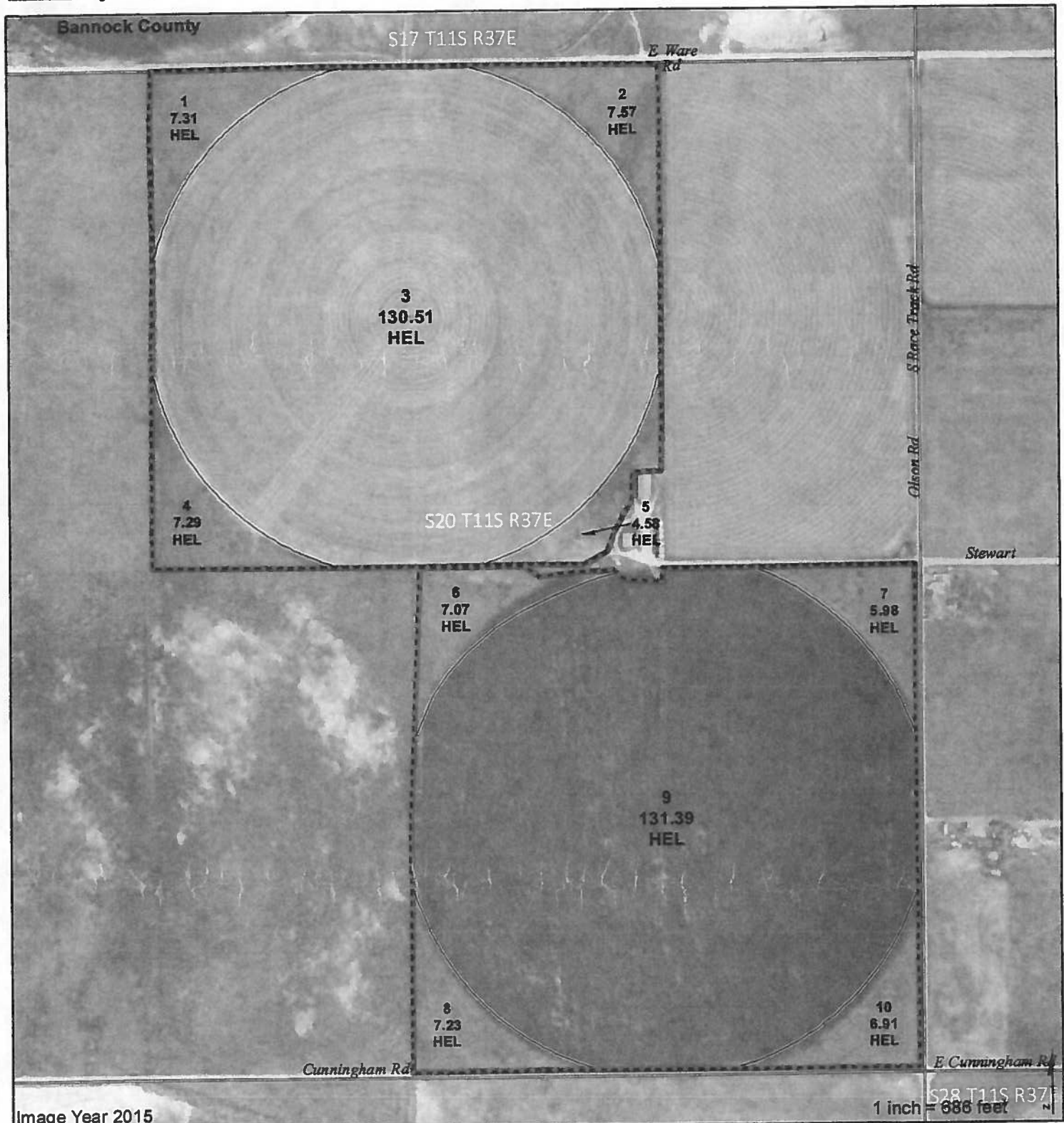
WATER RIGHTS:

Claim	Part/Full	Source	CFS	Acres
29-7489A	100%	Well	2.02	115
29-13992	100%	Well	0.87	1.53



United States
Department of
Agriculture

Bannock County, Idaho



Common Land Unit ☐ PLSS
☐ Cropland ☐ County Boundary
☐ Tract Boundary

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Tract Cropland Total: 315.84 acres

2018 Program Year

Map Created August 18, 2017

Farm 2354

Tract 8654

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

September 22, 2017

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Jeffrey Smith
Amy Smith
PO Box 892
Draper UT 84020

RE: Change of Ownership for Water Right No(s). 29-7489A & 29-13992

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

cc: Water District 29H
Leon Nelson

RECEIVED

SEP 18 2017

Department of Water Resources
Eastern Region

September 14, 2017

Idaho Department of Water Rights
Attn: Joni Barg
900 N Skyline Suite A
Idaho Falls, Idaho 83402

Joni,

Enclosed is a Notice of Change in Water Right Ownership for Jeffrey D Smith and Amy W Smith. Jeff and Amy recently purchased 319 +/- acres from C. Leon Nelson and Becky R Nelson which included the following water rights:

29-7489A

29-13992

On the state records these water are rights are shown as vested in Downey Properties, LLC. Prior to the deed to Jeff and Amy, Downey Properties, LLC transferred the property and water rights to C. Leon Nelson.

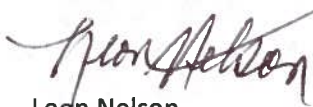
Also enclosed are copies of both warranty deeds which include the legal descriptions, a rough plat and check for \$50.00 for the transfer fee.

In the purchase agreement I agreed to assist in getting the water right transferred to Jeff and Amy.

Let me know if you have questions or need additional information.

I can be reached at leonnelson@comcast.net or 801.319.7242.

Thanks for your assistance.



Leon Nelson