



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

August 31, 2017

C.L. "BUTCH" OTTER
Governor

John Degiorgio
5306 W 1600 S
Ogden UT 84401

GARY SPACKMAN
Director

The "Notice of Change in Water Right Ownership" for 29-11925 & 29-4398 has been returned for the following item(s):

**** **Not appurtenant:** During our review the department discovered that the water rights listed on the ownership change application are not appurtenant to the property purchased according to the legal description provided. Because the ownership change cannot be complete you will be entitled to a full refund of the filing fee submitted. The department has initiated the refund and it will arrive from the state office in a couple weeks addressed to Leon Nelson.

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 within 120 days of the change. Failure to do so could result in a \$100 late filing fee. 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.

If you have any questions please contact Jonie Barg at (208)525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

SUPPORT DATA
IN FILE # 29-4398

Barg, Jonie

From: Barg, Jonie
Sent: Tuesday, August 29, 2017 11:26 AM
To: Carlos, Rhea
Subject: Refund Request
Attachments: E043305.pdf

Rhea,

Good morning!!

I have a refund request as follows:

Receipt number: E043305
Amount: \$50.00
Payable to: Leon Nelson
3064 highland Dr
Salt Lake City UT 84106

Reason: Total filing fee received \$50.00 for an ownership change. The water rights listed on the application are not appurtenant to the property purchased according to the legal description provided, therefore the department cannot complete the ownership change and the applicant is entitled to a full refund.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov

August 18, 2017

RECEIVED
AUG 21 2017

Department of Water Resources
Eastern Region

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

Joni,

Enclosed is a notice of change of water right ownership for John P Degiorgio. John recently purchased 70 +/- acres from Downey Properties, LLC which included the following water rights:

29-11925

29-4398

Also enclosed is a copy of the legal description, 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 John's name.

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

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

Hope you are able to enjoy the eclipse without getting trampled with all the people.

Thanks for your assistance.



Leon Nelson

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
AUG 21 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?
29-11925	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-4398	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Douney Properties, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): John P. Deglorio
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☐ and/or
- Mailing address: 5306 W. 1600 S. City: Ogden State: UT ZIP: 84401
- Telephone: 801-540-9565 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: April 14, 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.
8. Signature: John P. Deglorio Title, if applicable: _____ Date: 7-18-17
- Signature: _____ Title, if applicable: _____ Date: _____
- Signature of new owner/claimant

For IDWR Office Use Only:

Received by: [Signature] Date: 8-21-2017 Receipt No. E043305 Receipt Amt. 50.97

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: _____

First American Title - Pocatello

21705349 2017 Apr 21 AM 09:07:00
Electronically Recorded by Simple

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.: 628410-P (ag)

Date: April 24, 2017

For Value Received, Downey Properties, LLC, a Utah Limited Liability company, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto John P. Butterfield, a married man, hereinafter called the Grantee, whose current address is 5386 W 1600 S, Ogden, UT 84403, the following described premises, situated in Banks 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, covenants of record and easements viable upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Recorded Electronically	
ID	21705349
County	SANDHILL
Date	4-21-17 Time 9:27
SimpleFile.com 800.480.5857	

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.: 629410-P (eg)

Date: April 14, 2017

For Value Received, Downey Properties, LLC, a Utah Limited Liability company, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto John P. DeStefano, a married man, hereinafter called the Grantee, whose current address is 5306 W 1600 E, Ogden, UT 84401, the following described premises, situated in Bennecke County, Idaho, to-wit: Legal Description attached hereto as Exhibit A, and by this referenced incorporated hereto.

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.

**Downey Properties, LLC, a Utah limited liability
company
by its Manager
Goldberg Property Management, LLC**

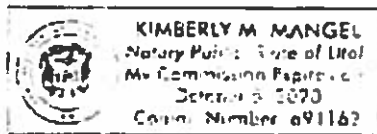
**By its Manager The Stanley Goldberg Trust and
The Sandra Goldberg Trust**

* By: Marilynn Tetrick
Name: Marilyn Tetrick
Title: Trustee

* By: Leon Nelson
Name: Leon Nelson
Title: Trustee

STATE OF UT)
) ss.
COUNTY OF Salt Lake)

On this 17th day of April, 2017, before me, a Notary Public in and for said State, personally appeared Marilyn Tetrick and C. Leon Nelson, Trustees of the Stanley Goldberg Trust and the Sandra Goldberg Trust, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the the Goldberg Property Management, LLC which is manager of Downey Properties, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that they executed the same in said Limited Liability Company's name.



Kimberly M. Mangel
Notary Public of UT
Residing at: Salt Lake City, State of Utah
Commission Expires: October 5, 2020

EXHIBIT A

Parcel 1:

Those portions of Government Lots 2 and 3 of Section 31, Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho, lying West of Interstate 15 which is described as follows:

A parcel of land being on both sides of the center line of Interstate 15, Project No. I-15-1(37)29 Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of Government Lots 2 and 3 and the SE1/4 NW1/4 of Section 31, Township 11 South, Range 37 East, Boise Meridian, described as follows, to-wit:

Beginning at the Northwest corner of the SE1/4 NW1/4 of Section 31, Township 11 South, Range 37 East, Boise Meridian; thence South 89°51'44" West along the North line of Government Lot 2 of said Section 31, a distance of 207.24 feet to a point in a line parallel with and 200.0 feet Northwestward from the centerline and opposite Station 720+14.72 of said Interstate 15, Project No. I-15-1(37)29 Highway Survey; thence South 20°13'44" West along said parallel line 2,798.17 feet to a point in the South line of Government Lot 3 of said Section 31 and opposite Station 692+16.55 of said Highway Survey; thence North 89°43'18" East along the South line of said Government Lot 3 a distance of 427.06 feet to a point in a line parallel with and 200.0 feet Southeastward from the centerline and opposite Station 693+66.16 of said Highway Survey; thence North 20°13'44" East along said last parallel line 2,433.84 feet to a point opposite Station 718+00 of said Highway Survey; thence North 29°41'28" East 392.52 feet to a point in the North line of said SE1/4 NW1/4 and bears South 69°46'16" East 264.53 feet from Station 721+83.72 of said Highway Survey; thence South 89°51'44" West along said North line 288.27 feet to the Place of Beginning.

Parcel 2:

Together with a right way for ingress and egress located within the NE1/4 NE1/4 and SE1/4NE1/4 of Section 36, Township 11 South, Range 36 East, Boise Meridian, described as follows:

Beginning at the NE corner of the NE1/4NE1/4 of said section and running thence south along the east boundary line of the NE1/4NE1/4 for a distance of 1360 feet; thence West 40 feet; thence North 1360 feet to the north boundary line of the NE1/4NE1/4; thence East 40 feet to the place of beginning.

Aerial Map



map center: 42° 25' 25.2, -112° 11' 0.97

0ft 883ft 1765ft

Maps Provided By:
surety
CUSTOMER ONLINE MAPPING
© AgriData, Inc. 2016 www.AgrDataInc.com

31-11S-37E
Bannock County
Idaho



Field borders provided by Farm Service Agency as of 5/21/2008