

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

RECEIVED
OCT 11 2016
Department of Water Resources
Eastern Region

Name of Applicant(s) Downey Properties LLC Phone 801-319-7242
Mailing address 3064 S HIGHLAND DR, SALT LAKE CITY, UT 84106 Email leonnelson@comcast.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Leon Nelson, Trustee
Print Name and Title if applicable

10/11/2016
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Applicant proposes to add points of diversion and change POU to reflect irrigation system changes. The 3 PODs from these rights are tied together via a common mainline. There was also a change from hand lines to pivots.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	29-7489A	2.02 cfs	Irrigation	4/1 to 11/1	Ground water
☒ ☐	29-13992	0.87 cfs	Irrigation	4/1 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.89 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.89 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SW	SW	NE	20	11S	37E	Bannock	Ground water	
		NE	NW	SE	20	11S	37E	Bannock	Ground water	
			NE	SE	20	11S	37E	Bannock	Ground water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	37E	20		33	33		34			33					34	34	34	33	268
Total Acres (for irrigation use)																			268

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Three interconnected wells to two quarter mile pivots. Flow meter could be installed if required.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: The water rights will not be moved off the property. The acres are simply being rearranged on the current parcels.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No effect. The place of use is simply being rearranged to reflect irrigation system changes.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/22/2016

Water Right 29-7489A

Owner Type **Name**
Current Owner DOWNEY PROPERTIES LLC
Priority Date: 10/11/1985
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	2.020 CFS	402.5 AF
	Total Diversion		2.020 CFS	402.5 AF

Source and Point(s) of Diversion
GROUND WATER NESE Sec. 20, Twp 11S, Rge 37E, BANNOCK County

Place Of Use
IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	37E	20													38.0		39.0	38.0	115.0

POU Total Acres: 115.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/22/2016

Water Right 29-13992

Owner Type **Name**
Current Owner DOWNEY PROPERTIES LLC
Priority Date: 10/17/1960
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.870 CFS	370.1 AF
	Total Diversion		0.870 CFS	370.1 AF

Source and Point(s) of Diversion

GROUND WATER	SWSWNE	Sec. 20, Twp 11S, Rge 37E, BANNOCK County
GROUND WATER	NENWSE	Sec. 20, Twp 11S, Rge 37E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	37E	20			37.0		39.0			39.0						38.0			153.0

POU Total Acres: 153.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates and Other Information

Decreed Date: 3/31/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

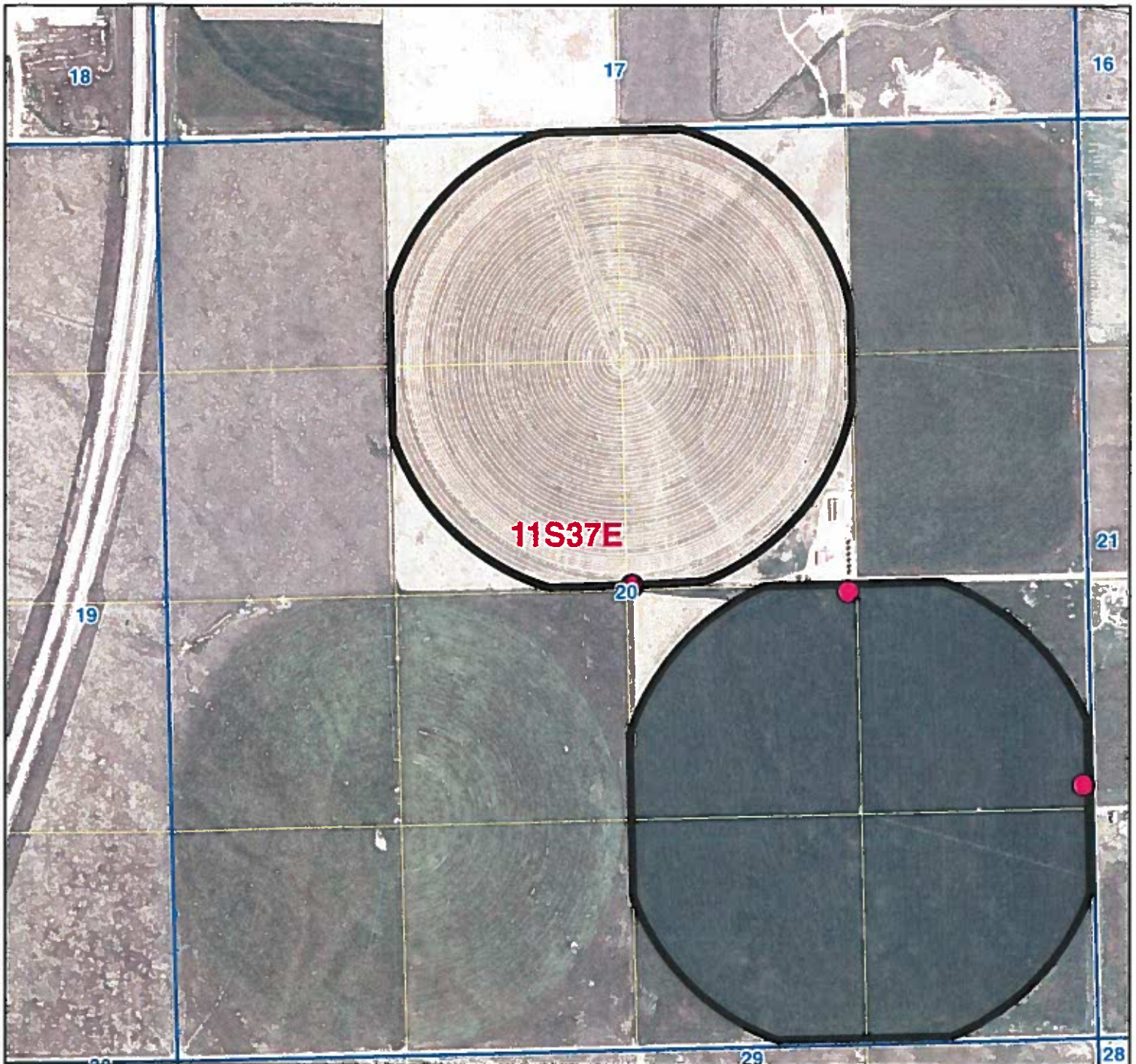
Combined Use Limits

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Transfer of Right Nos. 29-7489A and 29-13992
Date: 10/11/2016



Legend

- Proposed POD
- Proposed POU
- Township/Range
- Sections
- QQ

0 0.175 0.35 0.7 Miles



Map prepared by Michael Holliday

8 1 2 5 8



State of Utah This form must be written or computer generated.

Department of Commerce
Division of Corporations & Commercial Code
Limited Liability Company Registration Information Change Form

RECEIVED

AUG 03 2016

Non-Refundable Processing Fee: \$15.00

Entity File Number: 6221871-0160
Utah Div. of Corp. & Comm. Code

Entity Name: Goldberg Property Management, LLC

For each Yes button that you mark the question will appear below for you to fill out.

1). Do you want to Change the Business Purpose?

☐ Yes ☒ No

2). Do you want to Change the Registered Agent or the Address of the Registered Agent?

☐ Yes ☒ No

3). Do you want to Change the Principal Address of the Business Entity?

☐ Yes ☒ No

4). Do you want to Add individuals to the Business Entity?

☒ Yes ☐ No

4). If Yes, who do you want to Add to the Business Entity and what Position will they hold?

Name: Mantynn Tetrick as Trustee of The Sandra Goldberg Trust and The Stanley Goldberg Trust

Position: Manager

Address: 3064 S Highland Drive

City Salt Lake City State UT Zip 84106

Name: C. Leon Nelson, Trustee of The Sandra Goldberg Trust and The Stanley Goldberg Trust

Position: Manager

Address: 3064 S Highland Drive

City Salt Lake City State UT Zip 84106

5). Do you want to Remove individuals from the Business Entity?

☒ Yes ☐ No

5). If Yes, who do you want to Remove from the Business Entity and what Position do they hold?

Name: Sandra Goldberg

Position: Manager

Name: Stanley Goldberg

Position: Manager

6). Do you want to Change the Address of the Business Entity's Principal(s)?

☐ Yes ☒ No

Optional Inclusion of Ownership Information: This information is not required.

Is this a female owned business? Yes No

Is this a minority owned business? Yes No

If yes, please specify: Select/Type the race of the owner here

Under GRAMA {63-2-201}, all registration information maintained by the Division is classified as public record. For confidentiality purposes, you may use the business entity physical address rather than the residential or private address of any individual affiliated with the entity.

Under penalties of perjury and as an authorized authority, I declare that this statement of change(s), has been examined by me and is, to the best of my knowledge and belief, true, correct and complete.

Name/Title: C. Leon Nelson, Trustee, Manager Signature: *C. Leon Nelson* Date: August 3, 2016

Mailing/Faxing Information: www.corporations.utah.gov/contactus.html Division's Website: www.corporations.utah.gov

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Utah Business Search - Registered Principals

Registered Principals

Name	Type	City	Status
GOLDBERG PROPERTY MANAGEMENT, LLC	Limited Liability Company	Salt Lake City	Active

Position	Name	Address
Manager	C LEON NELSON, TRUSTEE OF THE SANDRA GOLDBERG TRUST AND THE STANLEY GOLDBERG TRUST	3064 S HIGHLAND DR Salt Lake City UT 84106
Manager	MARILYNN TETRICK AS TRUSTEE OF THE SANDRA GOLDBERG TRUST AND THE STANDLEY GOLDBERG TRUST	3064 S HIGHLAND DR Salt Lake City UT 84106
Registered Agent	KEVIN R. HUNTINGTON	4547 SOUTH 700 EAST SALT LAKE CITY STE 100 UT 84107

If you believe there may be more principals, click here to [View Filed Documents](#) View Filed Documents

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- [Number](#)

UNANIMOUS WRITTEN CONSENT OF MEMBERS

OF

GOLDBERG PROPERTY MANAGEMENT, LLC

The undersigned, constituting all of the members of Goldberg Property Management, LLC, a Utah limited liability company (hereinafter referred to as the "Company"), do hereby consent to and adopt the following resolution regarding the removal and appointment of managers:

RESOLVED, that the current managers of the Company be and are hereby removed;

RESOLVED FURTHER, that Marilyn Tetrack and C. Leon Nelson, in their capacities as Trustees of The Stanley Goldberg Trust and The Sandra Goldberg Trust, be and they are hereby appointed to serve as managers of the Company until their successors are chosen.

IT WITNESS WHEREOF, the undersigned Members have executed this Written Consent as of the 9th day of January, 2015.

THE STANLEY GOLDBERG TRUST

By Marilyn Tetrack, Trustee
Marilynn Tetrack, Trustee

By C. Leon Nelson, Trustee
C. Leon Nelson, Trustee

THE SANDRA GOLDBERG TRUST

By Marilyn Tetrack, Trustee
Marilynn Tetrack, Trustee

By C. Leon Nelson, Trustee
C. Leon Nelson, Trustee

Gary Krone
Gary Krone

After Recording Return To:

Thomas E. Nelson, Attorney at Law
10 Exchange Place, Suite 507
Salt Lake City, Utah 84111

AFFIDAVIT OF SUCCESSOR TRUSTEES

STATE OF UTAH

)

: ss.

COUNTY OF SALT LAKE

)

Marilynn Tetrick and C. Leon Nelson ("Affiants"), being duly sworn, state and represent that:

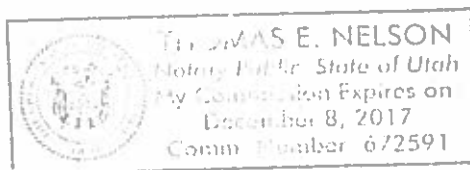
- Trust.
1. Affiants are the successor Trustees of The Stanley Goldberg Trust and The Sandra Goldberg Trust.
 2. Stanley Goldberg died on the 22nd day of February, 2011.
 3. Sandra Goldberg died on the 8th day of January, 2015.
 4. In accordance with the terms of the trust instruments for The Stanley Goldberg Trust and The Sandra Goldberg Trust, as amended, following the deaths of Stanley Goldberg and Sandra Goldberg, the Affiants were appointed as successor Trustees of such trusts.

DATED this 8th day of August, 2016.


Marilynn Tetrick


C. Leon Nelson

On the 8th day of August, 2016, personally appeared before me Marilynn Tetrick and C. Leon Nelson, the Affiants named in the foregoing Affidavit, who being by me first duly sworn, acknowledged to me that they executed the same and that the statements contained therein are true to the best of their knowledge and belief.




NOTARY PUBLIC

DOWNEY PROPERTIES, LLC, a Utah
limited liability company by its Manager,
GOLDBERG PROPERTY MANAGEMENT,
LLC by its Managers

By: _____
Marilynn Tetrick, Trustee of The Stanley Goldberg
Trust and The Sandra Goldberg Trust

By: _____
C. Leon Nelson, Trustee of The Stanley Goldberg
Trust and The Sandra Goldberg Trust

No. W 59861	Due no later than Mar 31, 2015 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			REBECCA FALCON 3600 E ELIASON RD DOWNEY 83234			
	1. Mailing Address: Correct in this box if needed. DOWNEY PROPERTIES, LLC SANDRA GOLDBERG 3064 HIGHLAND DR SALT LAKE CITY UT 84106		3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	SANDRA GOLDBERG	3064 HIGHLAND DR	SALT LAKE CITY	UT		84106
5. Organized Under the Laws of: UT W 59861		6. Annual Report must be signed.*				
		Signature: Leon Nelson		Date: 03/30/2015		
		Name (type or print): Leon Nelson		Title: Agent		
Processed 03/30/2015		* Electronically provided signatures are accepted as original signatures.				