

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
29-2332					
29-7056					
29-7489A					
29-4277	Split	0.87 cfs/380.10 AFA			
	into 29-13991				

2. The following **REQUIRED** information must be submitted with this form:

SUPPORT DATA

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

OR

D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Diamond T Ranch, LLC
c/o J. Phillip Adams, Manager
1705 N. Hwy 38, Brigham City, UT 84302

4. New Owner/Claimant(s) Downey Properties, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 3064 S. Highland Drive

City, State and ZIP Code Salt Lake City, UT 84106

New Telephone Number () _____ Email: _____

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APR 26 2010

Department of Water Resources
 Eastern Region

5. Date you acquired the property 4/ /2010

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

Downey Properties, LLC

7. Signature(s) of New Owner(s) or Claimant(s)

Sandra Golberg, Manager

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by JB

Date 4/27/10

Receipted by JB

Date 4/27/10

Processed by AJ

Date 4/27/10

Receipt Amt. \$100.00

Receipt No. E035705

WR

Date

E035995

STATE OF IDAHO }
County of Bannock }

OFFICIAL RECORD BK# 930 FEE \$12.00 DEPUTY DQ
BANNOCK COUNTY IDAHO RECORDED AT REQUEST OF

ALLIANCE TITLE - POCATELLO

21006365 2010 APR 20 PM 01:21:00
Electronically Recorded by Simplifile

I hereby certify that the foregoing is a full true and correct
copy of an instrument as the same now remains on file and
of record in my office.

WITNESS my hand and official seal hereto affixed

this 20 day of April, a.d. 20 2010
DALE HATCH, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy M. Knight

WARRANTY DEED

<u>Grantor</u>	<u>Grantee</u>
Diamond T Ranch, LLC c/o J. Phillip Adams, Manager 1705 N. Highway 38 Brigham City, Utah 84302	Downey Properties, LLC c/o Sandra Goldberg 3064 So. Highland Drive Salt Lake City, Utah 84106

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged,
Grantor hereby sells and forever transfers the following parcel(s) of real property (the "Property")
located in Bannock County, Idaho, to Grantee, including Grantor's entire right, title and interest
therein:

**SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED BY REFERENCE**

TOGETHER WITH all of Idaho Water Right Nos. 29-2332, 29-7056, and 29-7489A, and a 0.87
CFS/370.10 AFA portion of Idaho Water Right No. 29-4277.

TOGETHER WITH AND INCLUDING any and all fixtures and improvements, any and all
appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or
otherwise pertain to the foregoing parcels of real property.

TO HAVE AND TO HOLD the foregoing parcels of real property unto Grantee and its successors
and assigns forever.

Grantor does hereby covenant with and warrant to Grantee that Grantor is lawfully seized in fee
simple of the Property, has good right and lawful authority to sell and convey the Property, and that
Grantor fully warrants title to the Property and will defend the same against the lawful claims of all
persons claiming by, through or under the Grantor, but against none other.

SUBJECT TO taxes, levies, and assessments for the current year not yet due and payable and the following items: discrepancies, conflicts in boundary lines, shortage in area, encroachments, easements, right of ways, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions, reservations, all zoning, building and use laws or restrictions; along with any state of facts that an accurate survey or inspection of the Property would show.

IN WITNESS WHEREOF, the Grantor hereunto sets his hand this 14th day of April, 2010.

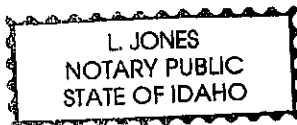
DIAMOND T RANCH, L.L.C.

By: J. Phillip Adams
J. PHILLIP ADAMS, Manager

STATE OF IDAHO)
County of Bannock) : ss

On the 14th day of April, 2010, before me, a Notary Public, personally appeared J. PHILLIP ADAMS, Manager of Diamond T Ranch, LLC, an Idaho limited liability company, known or identified to me to be the person who executed the foregoing Warranty Deed, and duly acknowledged to me that he executed the same.

(SEAL)



L. Jones

NOTARY PUBLIC FOR IDAHO

Residing at: Pocatello

My Commission Expires: 06-01-13

Order No.: 3011017780KF

**LEGAL DESCRIPTION
EXHIBIT 'A'**

Downey North Parcel

Parcel 1a:

Northwest quarter of the Northeast quarter of Section 20, Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

Parcel 1b:

Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho:
Section 20: S $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Parcel 1c:

Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho:
Section 20: E $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, less that part of the above described property conveyed by the seller to the State of Idaho by Warranty Deed dated December 3, 1969.

Parcel 1g:

A road right of way 45 feet in width, the center line of which is described as:
Beginning at the Southeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and running thence East 1320 feet along the Boundary between the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ All in Section 20, Township 11 South, Range 37 East Boise Meridian, Bannock County, Idaho.

Downey South Parcel

Parcel 1e:

Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho;
Section 28: W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$;
and all that part of the SE $\frac{1}{4}$ lying West of right of way of US Highway 91.

Except: Beginning at the Southeast corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section;
thence North 660 feet; thence West 330 feet;
thence South 660 feet; thence East 330 feet to the Point of Beginning.

Also Except:

Beginning at a point on the Southwesterly side of the right of way of Highways Nos. 91 and 191, 1326.4 feet, more or less, East of the East one sixteenth corner on the South line of Section 28, Township 11 South, Range 37 East, Boise Meridian;
thence running Northwesterly along the Southwesterly side of the above named Highways right of way a distance of 80 rods; thence West 10 rods;
thence in a Southeasterly direction on a parallel line with the Southwesterly side of the said right of way a distance of 80 rods to a point on the South line of Section 28, 10 rods West of the Point of Beginning; thence East along the South line of said Section 28, 10 rods to the Point of Beginning, and being located in Section 28, Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

Also Except; Those tracts Deeded to the State of Idaho by and described in Deeds 446827 and 447391.

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Parcel 1f:

The Northerly one-half of the following described property;

Beginning at a point on the Southwesterly side of the right of way of Highway Nos. 91 and 191, a distance of 1326.4 feet, more or less, East of the 1/16 corner on the South line of Section 28, Township 11 South, Range 37 East, of the Boise Meridian;

Thence running Northwesterly along the Southwesterly side of the above named Highways right of way a distance of 80 rods; thence West 10 rods;

thence in a Southeasterly direction, on a parallel line with the Southwesterly side of said right of way, a distance of 80 rods to a point on the South line of said Section, 10 rods West of the Point of Beginning; thence East, along the South line of said Section, 10 rods to the Point of Beginning, and being located in Section 28, Township 11 South, Range 37 East of the Boise Meridian, Bannock County, Idaho.

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plot*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

April 27, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Downey Properties LLC
3064 S Highland Dr
Salt Lake City UT 84106

RE: Change in Ownership Water Right No. 29-2332, 29-4277, 29-7056 & 29-7489A

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

XXXX **Filing Fee** of \$100 per water right for changes resulting from division of a water right

According to the application we received on April 26, 2010 water right number 29-7489A will require a division of the water right. There is a \$100.00 fee for an ownership change resulting in a split. When we received your application we also received a check for \$100.00 for an ownership change for 4 water rights. This would be the appropriate fee if there was no split involved. Please submit an additional \$75.00 in order for the department to complete your application and the split of water right number 29-7489A.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the additional filing fee for your notice will be \$75.00.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

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 the Department if you have any questions.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

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JUL 26 2010

Department of Water Resources
Eastern Region

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