



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

December 11, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

M&P Dairy LLC
248 E 200 N
JEROME ID 83338

RE: Change in Address for Water Right Nos. 36-8532, 36-14833, 36-14834, 36-14835, 36-15745,
36-15747, 36-15749 & 36-15757

Dear Interested Parties:

The Department of Water Resources acknowledges receipt of your Notice of Change in Address. It has been determined that this notice in change of address cannot be processed. The Department records show G&G Dairy, Bill Giltner, and Mike Griffith as the current owners of these water rights. After speaking with you over the telephone on December 08, 2009, it is my understanding that the seller of the property is maintaining current ownership due to a remaining lien on the property therefore the lien holder has legal title to the property.

Some contracts of sale have the seller maintaining legal title to the property until the contract has been completely paid off. In such cases, both buyer and seller should be listed as current owners of the property until the deed is conveyed to the buyer after the last payment is completed at the end of the contract. For this a Change in Ownership form would need to be filed adding you as a current owner with the current owners presently listed. Once the property is deeded to the buyer, he/she can submit an ownership change notice to remove the seller as a current owner.

I am enclosing a change in ownership form, and an excerpt from our Administrator's Memorandum titled "Processing Notices of Change in Water Right Ownership & Associated Updates to Water right Records".

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

Please feel free to contact me at (208) 287-4945 if you have any questions.

Sincerely,

Darla Block
Technical Records Specialist

Enclosure(s)

cc: BILL GILTNER
G&G DAIRY
PO BOX 36
JEROME ID 83338

MIKE GRIFFITH
PO BOX 468
JEROME ID 83338

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
Updated by _____
Date _____

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED

DEC 08 2009

DEPARTMENT OF
WATER RESOURCES

[] Water Right Number(s): 36-15757, 8532, 14833, 14834
36-14835, 15745, 15747, 15749

[] Name(s): M&P Dairy LLC

[] Old Mailing Address: _____

[] New Mailing Address: 248 East 200 North
Jerome, Idaho 83338

Telephone Number: (208) 324 - 3774

Email: _____

[] Signature(s) of Owner(s) Lang Pitore member

(Include your title if on behalf of company or organization)

Date: 11/30/09

Send a signed original to your closest regional office:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

"Returned" Not able to Process.

2.2.1 Contract of Sale

A contract of sale is an agreement between a buyer and seller for payment and other conditions of the sale. A contract of sale generally includes a schedule for payment by the buyer. Some contracts of sale have the seller maintaining legal title to the property until the contract has been completely paid off. In those cases, both buyer and seller should be listed as current owners of the property until the deed is conveyed to the buyer after the last payment is completed at the end of the contract. Once the property is deeded to the buyer, he/she can submit an ownership change notice to remove the seller as a current owner. The contract should be reviewed for other instructions regarding ownership. An alternative to listing both buyer and seller as current owners would be for the seller to provide notice of a security interest to the Department (see below for notice procedures).

2.2.2 Purchase and Sales Agreement

A generic purchase and sales agreement is not the same as a contract of sale of property; it is a preliminary document stating terms and conditions for the purchase of property. A purchase and sales agreement should not be considered sufficient evidence of ownership of property because it does not confirm that property has been conveyed.

2.2.3 Final Will and Testament

A final will and testament is another document that may suffice as evidence of ownership of property. It is important to read the text regarding conveyance of the property for exclusions or restrictions when reviewing for evidence of ownership. A well drafted will should provide the authority for the legal representative of the estate to issue some type of deed to transfer the property of the estate.

2.2.4 Title Insurance Policy

A title insurance policy can be used as evidence of ownership of property. The buyer acquires title insurance to protect against claims against the property. Title insurance policies name the insured and describe the property and the condition of title but do not convey title. If there is conflicting information, there is probably an instrument number listed in the policy for an actual deed which should be examined. A commitment for title insurance or other preliminary document should not be used as evidence of ownership of the property.

2.2.5 Court Decree

A court decree may also be used as evidence of property ownership. Divorce decrees and quiet title actions are examples of court rulings that may determine ownership of a parcel of land and/or a water right. Many court decrees require that the property at issue be transferred by deed and that deed will need to be reviewed before taking action.