

5/3/2023

Water Right 35-13638 *After Split*

Priority Date: 1/26/1962
Basis: Decead
Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.420 CFS	152.8 AF
	Total Diversion		0.420 CFS	152.8 AF

<u>Source and Point(s) of Diversion:</u>		
GROUND WATER	L5(NENESW)	Sec. 7, Twp 07S, Rge 31E, POWER County

Place Of Use:
IRRIGATION within POWER County

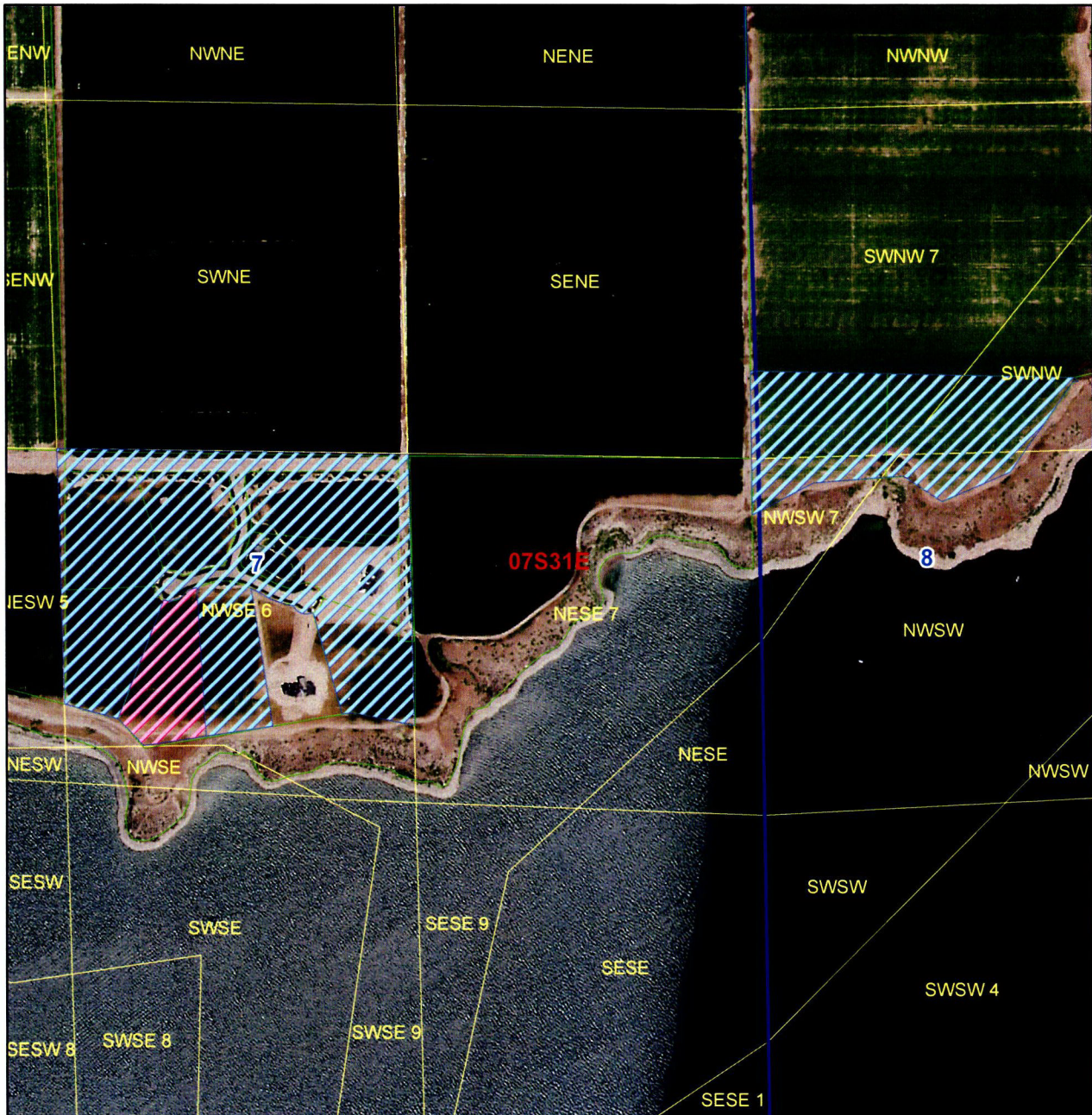
T07S R31E S7 L6	NWSE	26.2
T07S R31E S7		
T07S R31E S8	SWNW	4.0
T07S R31E S8 L7	NWSW	8.0
T07S R31E S8		
	POU Total Acres	38.20

Conditions of Approval:

1. E02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.
2. 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:

Idaho Department of Water Resources



Legend

-  35-14830
-  35-13638 After Split
-  Parcels
-  Township/Range
-  Sections
- QQ

SCANNED
MAY 03 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/3/2023

Water Right 35-13638 *Before Split*

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RIO PROPERTIES LLC C/O JODY BREIDING 4670 KIM DR POCATELLO, ID 83204 (208) 243-1010

Priority Date: 1/26/1962

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.440 CFS	162.0 AF
	<u>Total Diversion</u>		0.440 CFS	162.0 AF

Source and Point(s) of Diversion:

GROUND WATER	L5(NENESW)	Sec. 7, Twp 07S, Rge 31E, POWER County
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Place Of Use:

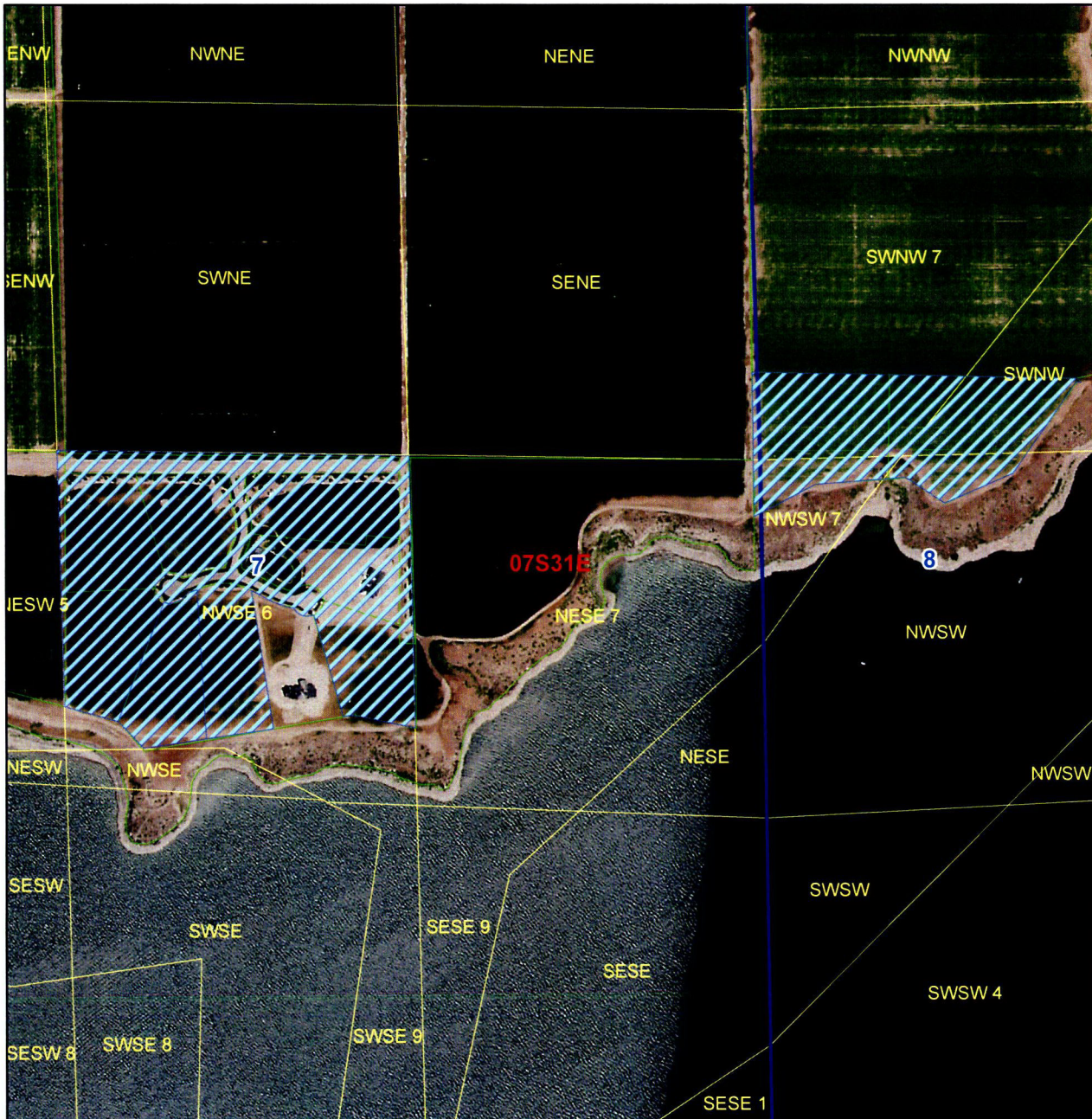
IRRIGATION within POWER County

T07S R31E S7 L6	NWSE	28.5
T07S R31E S7		
T07S R31E S8	SWNW	4.0
T07S R31E S8 L7	NWSW	8.0
T07S R31E S8		
POU Total Acres		40.50

Conditions of Approval:

1. E02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.
2. 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.

Idaho Department of Water Resources



Legend

 35-13638 Before Split

 Parcels

 Township/Range

 Sections

QQ

SCANNED

MAY 03 2023

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 01 2023

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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-13638 <u>OK</u>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
<u>35-13638</u>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-13638 35-14830	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: JODY BREEDING (Maybe listed under RIO PROPERTIES)
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): MICHAEL & REVA BEORCHIA
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

1115 LAMPLIGHTER DRIVE RIVER HEIGHTS UT 84321
Mailing address City State Zip
(435) 770-9405 Michael.Beorchia@GMAIL.COM
Telephone 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: DECEMBER 21, 2021
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

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: Michael E. Beorchia 4/28/2023
Signature of new owner/claimant Title, if applicable Date
MICHAEL E. BEORCHIA
Print name

Signature: _____
Signature of new owner/claimant Title, if applicable Date
Print name

For IDWR Office Use Only:
Received by JB Date 5/1/2023 Receipt No. E049150 Receipt Amt. \$100.-
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 JB Processed by JB Date 5/3/2023
SUPPORT DATA

IN FILE # 35-13638

MAY 03 2023

RECORDING REQUESTED BY
First American Title Company

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

E-RECORDED simplifile®

ID: 219442
County: Power
Date: 12-22-21 Time: 12:05 pm

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1019394-P (ap)**

Date: **December 21, 2021**

For Value Received, **RIO Properties, LLC, an Idaho limited liability company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Michael E. Beorchia and Reva M. Beorchia**, hereinafter called the Grantee, whose current address is **1115 Lamplighter Dr, River Heights , UT 84321**, the following described premises, situated in **Power County, Idaho**, to-wit:

LOT 4, BLOCK 1, WATERS EDGE SUBDIVISION, POWER COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, RECORDED APRIL 11, 2012 AS INSTRUMENT NO. 202062.

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.

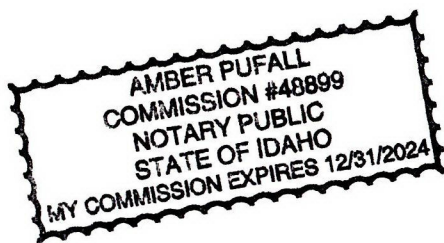
SCANNED
MAY 03 2023

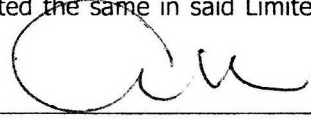
RIO Properties, LLC, an Idaho limited liability company

By: 
Name: Jody Breeding
Title: Member

STATE OF Idaho)
COUNTY OF Power Bannock) ss.

On this 22 Dec 2021, before me, a Notary Public in and for said State, personally appeared **Jody Breeding**, 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 **RIO Properties, LLC, an Idaho limited liability company**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that executed the same in said Limited Liability Company's name.




Notary Public of Idaho
Residing at:
Commission Expires:

SCANNED

MAY 03 2023



RE-13 COUNTER OFFER # 1 (1,2,3 etc.)
THIS COUNTER OFFER SUPERSEDES ALL PRIOR COUNTER OFFERS

OCTOBER 2021
EDITION

THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS.
 IF YOU HAVE ANY QUESTIONS, **CONSULT YOUR ATTORNEY AND/OR ACCOUNTANT BEFORE SIGNING.**



1 Today's Date: 12/09/2021
 2
 3 This is a COUNTER OFFER to the Purchase and Sale Agreement Dated: 12/08/2021
 4
 5 ADDRESS: Lot 4 Cedar Ln American Falls ID 83211 ID#: Cedar20201
 6
 7 BUYER: Michael E Beorchia Reva M Beorchia
 8
 9 SELLER: Rio Properties LLC

11 The parties accept all of the terms and conditions in the above-designated Purchase and Sale Agreement with the following changes:
 12 ☒ **This is a SELLER counter offer.** The SELLER reserves the right to withdraw this offer or accept any other offers prior to the receipt of a
 13 true copy of signed acceptance of this Counter Offer within the time frame specified herein.
 14 ☐ **This is a BUYER counter offer.** The undersigned BUYER reserves the right to withdraw this offer at any time prior to the receipt of a
 15 true copy of signed acceptance of this Counter Offer within the time frame specified herein.
 16 1) Section 5 Line 80: Other items specifically included in this sale to be removed from this purchase
 17 as sale. Well and septic to be installed at buyer's & cost.
 18 2) Earnest money (\$10,000) to be released to seller and become non-refundable upon the release of
 19 buyers 7 day due diligence period.
 20 3) Section 4 Line #1) Buyer and seller agree that water rights shall be transferred within 30 business
 21 days of closing. Allocated shares to be the total acreage (3.04 acres- less.7acres) for a total of
 22 2.34 acres of water rights.
 23 **ALL OTHER TERMS AND CONDITIONS TO REMAIN THE SAME.**

40 To the extent the terms of this Counter Offer modify or conflict with any provisions of the Purchase and Sale Agreement including all prior
 41 Addendums, the terms in this Counter Offer shall control. **All other terms of the Purchase and Sale Agreement including all prior**
 42 **Addendums not modified by this Counter Offer shall remain the same.** Buyer and Seller acknowledge the down payment and/or loan
 43 amount on Page 1 of Purchase & Sale Agreement may change if purchase price is changed as part of this Counter Offer. If original offer
 44 has expired, has been revoked and/or acceptance is late, then mutual execution of this Agreement shall constitute consent to revive and
 45 retender the original offer. Upon its execution by both parties, this agreement is made an integral part of the aforementioned Agreement.

47 If a signed acceptance is not delivered on or before (date): 12/10/2021 at 5 ☐ A.M. ☒ P.M.
 48 this Counter Offer shall be deemed to have expired.

50 DELIVERY: Delivery shall be to the agent/broker working with the maker of the Counter Offer in person, by mail, facsimile or electronic
 51 transmission of any signed original document, and retransmission of any signed original document. Retransmission of any signed facsimile
 52 or electronic transmission shall be deemed to be the same as delivery of an original.

53
 54 SELLER: Jody Breeding Date 12/09/2021 Time 5:06 PM ☐ A.M. ☐ P.M.
 55 Jody Breeding_Rio Properties LLC
 56 SELLER: Michael E Beorchia Date 12/10/21 Time 12/10/21 ☐ A.M. ☐ P.M.
 57 Michael E Beorchia
 58 BUYER: Michael E Beorchia Date 12/10/21 Time 12/10/21 ☐ A.M. ☐ P.M.
 59 Michael E Beorchia
 60 BUYER: Reva M Beorchia Date 12/09/21 Time 12/09/21 ☐ A.M. ☐ P.M.

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OCTOBER 2021 EDITION

RE-13 COUNTER OFFER

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IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 03, 2023

MICHAEL BEORCHIA
1115 LAMPLIGHTER DR
RIVER HEIGHTS UT 84321-4912

Re: Change in Water Right Ownership: 35-13638 (Split into 35-13638 and 35-14830),

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned 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 Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Bailly
Technical Records Specialist 1

Enclosure(s)

cc: RIO PROPERTIES LLC
WATER DISTRICT 120
ABERDEEN AMERICAN FALLS GROUND WATER DISTRICT

SCANNED

MAY 03 2023