

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 73-166
Date Received: 6/21/2001
Receipt No:
Filed By:

EO 26959
7/26/2001 *Lac*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

3/20 LOUJA WEST, L.L.C., an Idaho limited liability company
Louis J. Appignani, Manager Phone: (305) 856-5258
3 GROVE ISLE DRIVE #1409
MIAMI FL USA 33133

2. Date of Priority: 01/04/1904

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12N	24E	32	SW SW	CUSTER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.2	

7. Total Quantity Appropriated is:
3.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
12N	24E	8	NW NE	IRRIGATION	40
			SW NE	IRRIGATION	40
			NW SE	IRRIGATION	40
			SW SE	IRRIGATION	40

Total Acres 160

14. Remarks:

15. Basis of Claim: Decreed

- 16. Signature(s)**

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct. , 1

Signature of Claimant(s):

Louis J. Appignani, Manager
LOUJA WEST, L.L.C., an Idaho
limited liability company

Date: 11/6/01

Date:

State of Idaho *Wyoming*

County of Teton

SS.

Subscribed and sworn (or affirmed) before me this 16th day

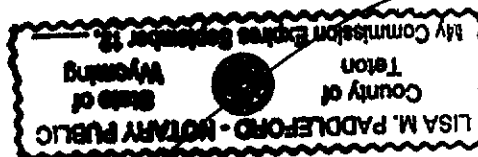
of July 2001

Lisa M. Paddelford

Notary Public

Residing at 1570 E. River Drive Jackson WY

My commission Expires 9-12-2004



FAX Transmittal Cover Sheet

State of Idaho
Department of Water Resources
Eastern Region
Idaho Falls, ID
PH. (208) 525-7161

FAX NO. (208) 525-7177

Number of pages including this one: 7

Date: 6/21/01
To: Mr. Petersen
Fax: 208 879 4498
From: Bryce Carter
Subject: Lewis Appignani

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application.

This application gives you access to the "Water Rights" database, which contains original department water right information, and to the "Adjudication Claims" database, which gives the *claimants'* representation of the elements of the water right.

IDWR recommendations (Directors Reports) and court decrees (Partial Decrees) may be viewed at:

<http://www.srba.state.id.us/SRBA3.HTM>

Mailed to Mr. Peterson
Box 810
Challis, ID
83224



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

June 21, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Lewis J. Appignani
c/o Mr. Petersen
Box 810
Challis, Idaho 83224
FAX 208-879-4498

Re: Adjudication Claims 73-166, 73-2005

Dear Mr. Appignani:

Enclosed are adjudication claims for water rights on lands on the Pahsimeroi River in Idaho. These claims have not been properly claimed in the Snake River Basin Adjudication, but a late claim may still be filed in that basin. For water rights to remain valid, they must be claimed, investigated, recommended, and approved by the court in the ongoing Snake River Basin Adjudication. When a basin is completed, rights that have not been claimed will no longer be valid. Basin 73 has not been investigated yet.

Right 73-166 is based on a 1910 decree and was originally appurtenant to the lands Mr. Petersen described to me on the telephone. Right 73-2005 is based upon a 1913 license. About half of it appears to have been licensed to the lands you are purchasing. Often, decrees supercede licenses, and there were decrees issued in 1916 and 1917 on the Pahsimeroi River. Without a significant amount of research, it is unclear whether 73-2005 is a valid right, or is superceded by one of the later decrees. We will be investigating those claims in 2003 or later.

I have prepared an adjudication claim based on each of these rights, based on the way the rights are currently recorded. If the use of water has changed over the years, it is important to amend these claims to show the actual historical use of water. You may do that at any time, by contacting an "Adjudication Agent" at this office.

You may wish to file one or both of these claims. The filing fee is \$50 late fee per claim, plus \$50 filing fee per claim, plus \$1 per acre. Since claim 73-2005 is completely overlapped by claim 73-166, the total acreage fee would only be \$160, if both claims were filed. The fees would be:

73-166 alone	\$360
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73-2005 alone
Both claims

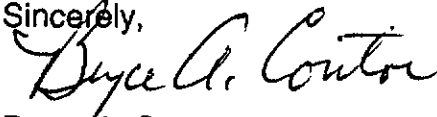
\$258
\$560

The adjudication process is a long process. We began taking claims in the late 1980's, which was followed by a long period of working with the court to establish how these claims were to be reviewed and investigated. Now we are proceeding through the state basin-by-basin, and expect to be working in the Pahsimeroi in 2003 or 2004. Prior to submitting our report to the court, we will submit "preliminary reports" to the claimants, and invite claimants to help us correct errors. After the error correction period, a report will be submitted to the court, which will open a formal period for objections. After settlement (or trial) of objections, the court will issue a decree defining the water right.

If you believe these claims accurately reflect your water rights, please return either or both with notarized signatures and appropriate fees. Make checks payable to "Idaho Department of Water Resources." You may make minor changes to the claims (please initial each change), or you may contact me to prepare a different claim, if these claims do not reflect what you wish to assert.

Please call me if you have questions. I am difficult to catch, you may leave me a voice mail or request the assistance of another agent.

Sincerely,



Bryce A. Contor
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION
July 26, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LOUJA WEST, LLC
Louis J. Appignani
3 Grove Isle Drive #1408
Miami, Florida 33133

Re: Adjudication Claims 73-166, 73-2001

Dear Mr. Appignani:

Enclosed are copies of the current computer records of these two claims, which you have filed in the Snake River Basin Adjudication. Please review these carefully and call me if you have questions or concerns. Also enclosed are two pamphlets that help explain the Adjudication process, and a copy of the receipt issued for the claim fees paid by your attorney Mr. Smith. The original receipt has been mailed to Mr. Smith.

We plan to begin investigating and recommending claims in your area in 2003 or 2004. You will receive notice at that time, and likely will be contacted by an IDWR Agent or contractor who will review your claim. Until then, feel free to contact me or another Agent if you have questions.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

Enclosures

cc: Jordan P. Smith, Chartered
Attorney At Law
807 Main Street
Salmon, Idaho 83467

JORDAN P. SMITH
CHARTERED
ATTORNEY AT LAW
807 MAIN STREET
SALMON, IDAHO 83467
208-756-2257
TELEFAX (208) 756-4626

RECEIVED
JUL 26 2001
Department of Water Resources
Eastern Region

July 24, 2001

Idaho Department of Water Resources
900 N. Skyline, Suite A
Idaho Falls, ID 83405

Attention: Bryce

Re: LouJa West, LLC claims

Dear Bryce:

Enclosed please find the following documents for filing:

1. Notice of Claim to a Water Right Acquired Under State Law, Ident. Number 73-2005.
2. Notice of Claim to a Water Right Acquired Under State Law, Ident. Number 73-166.
3. My check in the sum of \$360 to cover your fee.

When filing is complete, please send the proper notification to Mr. Appignani at the address indicated on the notices. If you require any further information, please advise.

Thank you for your assistance.

Sincerely,



Jordan P. Smith

JPS:sez

Enclosures

cc: Louis J. Appignani