

Roda, Evan

From: Barton, Tanya L. <Tanya.Barton@KutakRock.com>
Sent: Tuesday, April 17, 2018 2:34 PM
To: Roda, Evan
Cc: Smith, Nathan G.; Lenon, Dawn; Courtney, Andrea
Subject: IDWR/NORTHERN RE: Change in ownership for CSRBA Water Right Claim No. 95-9089
Attachments: Letter Amendment January 21, 2011.pdf

Mr. Roda,

Per your request, attached above please find a copy of the Letter Amendment, dated January 21, 2011. As you will see, the Letter Amendment contains no reservation of the water right.

Please let me know if you have any questions or need any additional information.

Thank you,

Tanya L. Barton | Attorney

KUTAKROCK

510 W. Riverside Avenue, Suite 800, Spokane, WA 99201-0506
D (509) 252-2692 | O (509) 747-4040
Tanya.Barton@KutakRock.com | www.KutakRock.com

From: Roda, Evan [mailto:Evan.Roda@idwr.idaho.gov]
Sent: Monday, April 16, 2018 12:01 PM
To: Barton, Tanya L. <Tanya.Barton@KutakRock.com>
Cc: Lenon, Dawn <Dawn.Lenon@idwr.idaho.gov>; Courtney, Andrea <Andrea.Courtney@idwr.idaho.gov>
Subject: Change in ownership for CSRBA Water Right Claim No. 95-9089

Ms. Barton:

We received the Notice of Change in Water Right Ownership form you submitted for CSRBA water right claim no. 95-9089 along with supporting documentation, but are unable to complete the change at this time. Before the ownership of this right can be changed, one additional document is needed. In your cover letter, you referred to a letter agreement ("Letter Amendment"), dated January 21, 2011, which was not enclosed along with the other documentation. We will need to review that document to ensure that the water right was not withheld when the lease agreement was amended. Please submit a copy of the "Letter Amendment" to our office at your earliest convenience and we will complete the change in ownership of the water right. Feel free to contact me if you have any questions or concerns.

Best Regards,

Evan W. Roda
Senior Water Resource Agent

SCANNED
APR 17 2018

Idaho Department of Water Resources, Northern Region
7600 N Mineral Dr Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762-2810 / 2800
Fax (208) 762-2819
evan.roda@idwr.idaho.gov
www.idwr.idaho.gov

This E-mail message is confidential, is intended only for the named recipients above and may contain information that is privileged, attorney work product or otherwise protected by applicable law. If you have received this message in error, please notify the sender at 402-346-6000 and delete this E-mail message. Thank you.



www.kniferiver.com

Southern Idaho Division
5450 W Gowen Road
Boise, ID 83709

RECEIVED

APR 17 2018

IDWR/NORTHERN

January 21, 2011

David Haman
PO Box 3311
Hayden ID 83835

Knife River Corporation – Northwest
PO Box 2047
Coeur d'Alene, ID 83816

Attention: Amendment of Access, Use, and Extraction Agreement

Dear Dave:

I, David L. Haman, as trustee of the David L. Haman Trust, hereby agree to amend the original lease dated April 23, 2001 and entered into by the parties on May 30th, 2001 ("Agreement"), for the Haman Pit located on Wyoming Road, Rathdrum, Idaho, to include an additional five (5) years to the current term of the Agreement and one (1) additional five (5) year term extension option. All the terms and conditions of the original Agreement shall be applicable to the additional five (5) year term and optional five (5) year term extensions.

On January 19, 2011, Knife River Corporation – Northwest exercised the first option to extend the lease term. For the avoidance of doubt, after mutual execution of this letter agreement, there will be a ten (10) year term and two (2) 5-year term extension options remaining.

To reduce Knife River Corporation – Northwest's royalty credit amount, the parties hereby amend the lease to allow for an option to reduce Knife River Corporation – Northwest's current royalty credits to a dollar amount not less than \$0.00 in exchange for a cash or check payment from the David L. Haman Trust to Knife River Corporation—Northwest. Such payment will reduce the royalty credit, dollar for dollar, by the amount of the David L. Haman Trust cash or check payment.

Furthermore, both parties agree that the annual minimum royalty payment will be paid on or before January 15th (changed from May 15th) the following year. The annual minimum royalty payment for 2010 will be paid two weeks after the dated execution of this document.

SCANNED

APR 17 2018



www.kniferiver.com

Southern Idaho Division
5450 W Gowen Road
Boise, ID 83709

Except as expressly modified or amended by this letter agreement, all of the terms and conditions of the original lease agreement shall remain in full force and effect.

The David L. Haman Trust

By: David L. Haman
David L. Haman
Trustee

STATE OF IDAHO
COUNTY OF KOOTENAI

Personally appeared DAVID L. HAMAN on 2-11-2011
before me

Jennifer R. Lyda

Notary Public for Idaho
Residing at Hayden, Kootenai Co.
My Commission Expires 1-10-2014

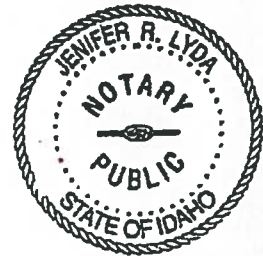
Knife River Corporation—Northwest

By: Dave Turner
Dave Turner
President- Idaho Division

STATE OF Idaho
County of Ada

Dawn Lea Brubaker

NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission Expires 9/25/2015



SCANNED
APR 17 2018