

Nebeker, Jake

From: Rob Harris <rharris@holdenlegal.com>
Sent: Monday, March 1, 2021 9:29 AM
To: Nebeker, Jake; jaycovington@comcast.net
Subject: RE: Needing Deed.
Attachments: 2020.09.04 Barg.pdf; 7-16-2009 Warranty Deed for Property Transfer to Grovers.pdf; 2018-01-12, Cash Order Denying 2d Mot for Reconsideration.pdf; 2017-10-13, Cash Order Granting Respondent's Mot for Reconsideration.pdf

Jake:

See the attached letter and associated NCO that we sent to Jonie Barg in September of 2020 updating the name on Covington's water rights from the Limited Partnership to the LLC. The water rights were decreed in the name of the Covington Brothers Limited Partnership, not Covington Brothers LLC. Covington did not update ownership with the SRBA Court during the SRBA process, and as a result, we executed and recorded a deed in 2020 that conveyed ownership of the rights to the LLC. Prior to that, the LLC did convey the underlying property to Grover Farm (see attached deed from 2009), but it would have only included water rights owned by the LLC at that time (which was none—they were owned by the partnership). The decreed entity is the owner of the right, as Judge Wildman determined in the attached *Cash v. Cash* case, and the failure of the water right owner to update the court's record prior to issuance of a decree has consequences. The LLC did not own the water rights at the time the property was conveyed.

This should be everything you need to finalize the transfer. Let me know if you have any questions.

Thanks,



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From: Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>
Sent: Monday, March 1, 2021 8:10 AM
To: jaycovington@comcast.net

Cc: Rob Harris <rharris@holdenlegal.com>

Subject: Needing Deed.

Morning Jay,

This application for transfer has been pushed back to me from my supervisor. We need you to provide a deed for the below parcel that was sold. This parcel is part of the current place of use and is being proposed to be moved off of this property. This deed will provide proof that you have retained the water rights from the conveyance of this land. If you have any further questions give me a call.

Parcel #:RP04N40E133200

I will be out of the office from March 4th till May, during that time if you need help or clarification on your transfer you may call our office and speak to another agent. Michael Holiday is my supervisor and he will be able to direct your call to the correct agent who will be taking this case off my hands. Thanks

S. Jake Nebeker

Water Resource Agent

Idaho Department of Water Resources

900 N Skyline Dr # A, Idaho Falls, ID 83402

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