

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## Notice of Change in Water Right Ownership

RECEIVED

JAN 28 2020

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-12887 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
<i>29-10323</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Evelee Hill Rush

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): The Lava Hotel, LLC

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

1952 W. 820 N.

Provo

UT

84601

Mailing address

City

State

ZIP

801-380-4134

riley@brsutah.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: January 2020
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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: *Delores J. Poremba* Manager 1/15/2020  
Signature of new owner/claimant Title, if applicable Date

Signature: \_\_\_\_\_ Title, if applicable \_\_\_\_\_ Date \_\_\_\_\_  
Signature of new owner/claimant Title, if applicable Date

### For IDWR Office Use Only:

Received by *JP* Date 1/28/2020 Receipt No. 5045595 Receipt Amt. \$150- for this app

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 *JP* Processed by *JP* Date 6/2/20

FA- 856581

## GRANT DEED

THIS INDENTURE is made this 15<sup>th</sup> day of January, 2020, by Evelee Hill Rush, Individually and Evelee Hill Rush, as trustee of the Sheltered Trust created by the Robert Edward Rush and Evelee Hill Rush Family Trust, dated September 17, 2004, as amended, whose mailing address is P.O. Box 4165 Pocatello, ID 83201 "Grantor," and Bear River Storage, LLC, a Utah limited liability company, as to an undivided Seventy-Five percent (75%) interest as a tenant in common and The Lava Hotel, LLC, an Idaho limited liability company as to an undivided Twenty-Five percent (25%) interest as a tenant in common, whose mailing address is 196 E. Main Street, Lava Hot Springs, Idaho 83246, "Grantee."

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto Grantee in the percentage interest as outlined above, and to Grantee's heirs and assigns forever, all of the following described property in the County of Bannock, State of Idaho:

### ***SEE EXHIBIT "A"***

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, in law as well as in equity, of Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, Grantor has executed the within instrument the day and year first above written.

By: Evelee Hill Rush  
Evelee Hill Rush, Individually

Date: 1-15-2020

The Sheltered Trust created by The Robert Edward Rush and Evelee Hill Rush Family Trust, dated September 17, 2004, as amended

By: Evelee Hill Rush  
Evelee Hill Rush, Trustee

Date: 1-15-2020

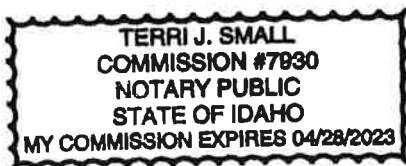
STATE OF IDAHO )  
 ) ss.  
County of Bannock )

On the 15<sup>th</sup> day of January, 2020, before me, the undersigned notary public in and for said State, personally appeared Evelee Hill Rush, Individually and Evelee Hill Rush, as trustee of the Sheltered Trust created by the Robert Edward Rush and Evelee Hill Rush Family Trust, dated September 17, 2004, as amended (Grantor), known or identified to me to be the person whose name is subscribed to the within Grant Deed, and acknowledged to me that she executed the same individually and as Trustee.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal the day and year in this certificate first above written.

Terri J. Small  
Notary Public for Idaho

Residing at: Pocatello, ID  
My Commission Expires: 4/28/2023



**EXHIBIT A**  
**PROPERTY DESCRIPTION**

PARCEL 1:

LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 1 OF HALL CITY TOWNSITE, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, RECORDED SEPTEMBER 20, 1911, AS INSTRUMENT NO. 21277.

PARCEL 2:

LOTS 7 AND 8, BLOCK 1, HALL CITY TOWNSITE, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF RECORDED SEPTEMBER 20, 1911 AS INSTRUMENT NO. 21277.

PARCEL 3:

LOTS 17, 18, 19 AND 20, BLOCK 1, HALL CITY TOWNSITE, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF RECORDED SEPTEMBER 20, 1911 AS INSTRUMENT NO. 21277.

TOGETHER WITH THE FOLLOWING WATER RIGHTS AS SHOWN BY THE IDAHO DEPARTMENT OF WATER RESOURCES:  
No. 29-12887

First American Title - Pocatello

THIS INSTRUMENT FILED FOR RECORD BY  
FIRST AMERICAN TITLE COMPANY AS AN  
ACCOMMODATION ONLY AND HAS NOT BEEN  
EXAMINED AS TO ITS EXECUTION OR AS  
TO ITS EFFECT UPON THE TITLE

22005103

2020 Mar 30 PM 03:52

Electronically Recorded by Simplifile

## **CORRECTION GRANT DEED**

(This deed corrects instrument number 22000872, records of Bannock  
County, Idaho by adding water right no. 29-10323 to Exhibit "A")

THIS INDENTURE is made this 20<sup>th</sup> day of March, 2020, by **EVELEE HILL RUSH**, individually and Evelee Hill Rush, as trustee of **THE SHELTERED TRUST** created by the Robert Edward Rush and Evelee Hill Rush Family Trust, dated September 17, 2004, as amended, whose mailing address is P.O. Box 4165 Pocatello, ID 83201 "Grantor" and **BEAR RIVER STORAGE, LLC**, a Utah limited liability company, as to an undivided seventy-five percent (75%) interest and **THE LAVA HOTEL, LLC**, an Idaho limited liability company, as to an undivided twenty-five percent (25%) interest, whose mailing address is 196 E. Main Street, Lava Hot Springs, ID 83246 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents do grant and confirm unto the Grantee, **in the percentage interests outlined above as tenants in common**, and to Grantee's heirs and assigns forever, all of the following described property in the County of Bannock, State of Idaho, to-wit:

See **Exhibit "A"** attached hereto and by this reference incorporated herein.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, in law as well as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

THIS INSTRUMENT FILED FOR RECORD BY  
FIRST AMERICAN TITLE COMPANY AS AN  
ACCOMODATION ONLY AND HAS NOT BEEN  
EXAMINED AS TO ITS EXECUTION OR AS  
TO ITS EFFECT UPON THE TITLE



## CORRECTION GRANT DEED

(This deed corrects instrument number 22000872, records of Bannock  
County, Idaho by adding water right no. 29-10323 to Exhibit "A")

THIS INDENTURE is made this 20<sup>th</sup> day of March, 2020, by **EVELEE HILL RUSH**, individually and Evelee Hill Rush, as trustee of **THE SHELTERED TRUST** created by the Robert Edward Rush and Evelee Hill Rush Family Trust, dated September 17, 2004, as amended, whose mailing address is P.O. Box 4165 Pocatello, ID 83201 "Grantor" and **BEAR RIVER STORAGE, LLC**, a Utah limited liability company, as to an undivided seventy-five percent (75%) interest and **THE LAVA HOTEL, LLC**, an Idaho limited liability company, as to an undivided twenty-five percent (25%) interest, whose mailing address is 196 E. Main Street, lava Hot Springs, ID 83246 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents do grant and confirm unto the Grantee, **in the percentage interests outlined above as tenants in common**, and to Grantee's heirs and assigns forever, all of the following described property in the County of Bannock, State of Idaho, to-wit:

See **Exhibit "A"** attached hereto and by this reference incorporated herein.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, in law as well as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the have executed the within instrument the day and year first above written.

  
**EVELEE HILL RUSH**

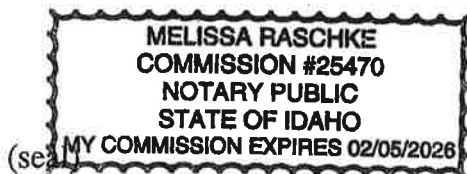
THE SHELTERED TRUST created by The Robert Edward Rush and Evelee Hill Rush Family Trust, dated September 17, 2004, as amended


By:   
**Evelee Hill Rush, Trustee**

STATE OF IDAHO                    )  
  ) ss.  
County of Bannock                    )

On the 20<sup>th</sup> day of March, 2020, before me, the undersigned, a notary public, in and for said State, personally appeared **EVELEE HILL RUSH**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



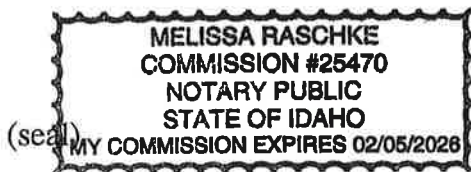
  
Notary Public for Idaho  
Residing at: Pocatello  
My Commission Expires: 2/5/2026



STATE OF IDAHO            )  
  ) ss.  
County of Bannock        )

On the 20<sup>th</sup> day of March, 2020 before me, the undersigned, a notary public, in and for said State, personally appeared **EVELEE HILL RUSH**, known or identified to me to be the person whose name is subscribed to the within instrument as trustee and acknowledged to me that she executed the same in her capacity as trustee of **THE SHELTERED TRUST** created by The Robert Edward Rush and Evelee Hill Rush Family Trust dated September 17, 2004, and that said trust executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Melissa Rasch  
Notary Public for Idaho  
Residing at: Pocatello  
My Commission Expires: 2/5/2026

M:\M&E\ID2\E38B6975-6C0C-4158-B207-62DF8B23AD12\0\102000-102999\102695\L\L\Correction Grant Deed (Add Water Right) (ID 102695).wpd



## **EXHIBIT "A"**

### **PARCEL 1:**

LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 1 OF HALL CITY TOWNSITE, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, RECORDED SEPTEMBER 20, 1911, AS INSTRUMENT NO. 21277.

### **PARCEL 2:**

LOTS 7 AND 8, BLOCK 1, HALL CITY TOWNSITE, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF RECORDED SEPTEMBER 20, 1911 AS INSTRUMENT NO. 21277.

### **PARCEL 3:**

LOTS 17, 18, 19 AND 20, BLOCK 1, HALL CITY TOWNSITE, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF RECORDED SEPTEMBER 20, 1911 AS INSTRUMENT NO. 21277.

TOGETHER WITH THE FOLLOWING WATER RIGHTS AS SHOWN BY THE IDAHO DEPARTMENT OF WATER RESOURCES:

No. 29-12887

No. 29-10323



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

June 02, 2020

THE LAVA HOTEL LLC  
1952 W 820 N  
PROVO UT 84601-1338

BEAR RIVER STORAGE  
1952 W 820 N  
PROVO UT 84601-1338

Re: Change in Ownership for Water Right No(s): 29-12887 and 29-10323

Dear Water Right Holder(s):

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

Please note there is an error in the place of use of water right number 29-10323. The water is located in the SWSE Section 21, Township 9 South Range 38 East, however the conditions of approval show the water right is appurtenant to parcel number RLTHC000700. Lots 17-20 Block 1 of City Hall Townsite, which is located in the SESE Section 21, Township 9 South Range 38 East. In order for this error to be corrected a transfer application to correct a clerical error is required. I have enclosed that application for your convenience. The filing fee for a transfer to correct a clerical error is \$50.00 unfortunately this cannot be corrected through an ownership change. .

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 Barg  
Technical Records Specialist 1

Enclosure(s)

cc: Martin & Eskelson PLLC

## Barg, Jonie

---

**From:** Barg, Jonie  
**Sent:** Wednesday, January 29, 2020 8:27 AM  
**To:** 'scott@martineskelson.com'  
**Subject:** Sorenson's Meadow. LLC/Bear River Storage LLC and The Lava Hotel LLC Ownership Change/Security Interest  
**Attachments:** 20200129084659.pdf

RE: Water Right Change in Ownership No(s): 29-150, 29-4234, 29-4233, 29-10323 and 29-12887

Dear Scott Eskelson:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

During our review the department has found some discrepancies between the water right place of use, property purchased and a possible error in the partial decree.

According to the partial decree for water right number 29-10323 the Place of use of that water right is located in SWSE Section 21, Township 9 South Range 38 East. Looking in the backfile and the conditions of approval it appears this water right is appurtenant to parcel number RLTHC000700, Lots 17-20 Block 1 Of City Hall Townsite, which is actually located in the SESE, Section 21, Township 9 South Range 38 East. The department cannot change the place of use of a water right without a transfer. I have attached a proof report, partial decree and maps for your review. Because of this error there may also be discrepancies with the ownership changes, deeds and mortgage. 29-10323 was deeded to Sorensen's Meadow, LLC under instrument number 22000877 and a Deed of Trust executed under instrument number 22000878. However if the water right is appurtenant to Lots 17-20 Block 1 Of City Hall Townsite, it would have actually been deeded to Bear River Storage LLC (75%) and The Lava Hotel LLC (25%) under instrument number 22000872. . If a transfer is required for 29-10323 and we can prove it is a clerical error, the transfer fee would be \$50.00, otherwise the regular fee for a transfer for 0.02 cfs would be \$200.00. Please review the information and let me know how to proceed.

If you have any questions regarding this matter, please contact me at (208) 497-3787.

Sincerely,



Jonie Barg  
Idaho Department of Water Resources  
900 N Skyline Ste A  
Idaho Falls ID 83402  
phone: (208) 525-7161  
fax: (208) 525-7177  
email: [jonie.barg@idwr.idaho.gov](mailto:jonie.barg@idwr.idaho.gov)

Protect your Enthusiasm from the Negativity of others. ~ H Jackson Brown Jr. ~

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

1/29/2020

Water Right 29-10323

**Owner Type**      **Name and Address**  
Current Owner      EVELEE HILL RUSH  
                                 PO BOX 67  
                                 LAVA HOT SPRINGS, ID 83246  
                                 (208) 776-5800

**Priority Date:** 8/15/1986

**Basis:** Decreed

**Status:** Active

**Source**      **Tributary**  
GROUND WATER

<b>Beneficial Use</b>	<b>From</b>	<b>To</b>	<b>Diversion Rate</b>	<b>Volume</b>
DOMESTIC	1/01	12/31	0.020 CFS	
	<b>Total Diversion</b>		0.020 CFS	

**Source and Point(s) of Diversion**

GROUND WATER      SWSE      Sec. 21, Twp 09S, Rge 38E, BANNOCK County

**Place Of Use**

DOMESTIC within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	38E	21															X		

**Conditions of Approval:**

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. RLTHC000700

**Comments:**

1. CORR4 11/14/1996 COPIED FROM REMARKS  
CITY LAVA HOT SPRINGS N 50' LOTS 17-20, BLK 1 TSITE HALL CITY

↑ parcel is located in the  
SESE 21 T9S R38E

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

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 29-10323

NAME AND ADDRESS: WALTER C ROGERS  
RT 3 BOX 326  
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 08/15/1986

POINT OF DIVERSION: T09S R38E S21 SWSE Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.02 CFS

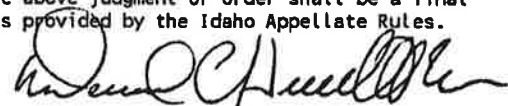
PLACE OF USE: Domestic T09S R38E S21 SWSE Within Bannock County

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.









  
Daniel C. Hurlbutt, JR.  
Presiding Judge  
Snake River Basin Adjudication

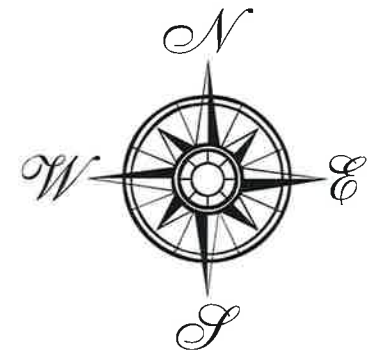


# Idaho Department of Water Resources



### Legend

-  Bear River Storage LLC and The Lava Hotel LLC  
 Sorensen's Meadow LLC  
 Place of Use 29-150  
 Place of Use 29-12887  
 Place of Use 29-4233 and 29-4234  
 Parcels  
 Township/Range  
 Sections  
 QQ



RECEIVED  
MAY 07 2020  
Department of Water Resources  
Eastern Region

Law Offices of  
**MARTIN & ESKELSON, PLLC**

Stephen E. Martin, E-mail: [stephen@martineskelson.com](mailto:stephen@martineskelson.com)  
Scott P. Eskelson, E-mail: [scott@martineskelson.com](mailto:scott@martineskelson.com)

P.O. BOX 3189  
IDAHO FALLS, ID 83403-3189  
PHONE: (208) 523-6644  
FAX: (208) 522-0791

OFFICES:  
425 S. HOLMES  
IDAHO FALLS, ID 83401

May 5, 2020

Idaho Department of Water Resources  
Eastern Region office  
900 N. Skyline Dr., Suite A  
Idaho Falls, ID 83402-1718

RE: Water Right no. 29-10323

Ladies and Gentlemen:

I will enclose a copy of my prior letter of January 22, 2020 on behalf of Evelee Hill Rush and The Robert Rush Sheltered Trust. Your office subsequently notified us that there was an error with respect to right no. 29-10323 as we had not shown this as appurtenant to the proper parcel in our deeds. We have now corrected this problem.

Enclosed please find the following

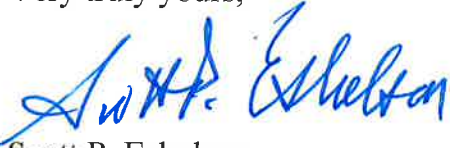
1. Copy of my letter of January 22, 2020.
2. Copy of Correction Deed no. 22005104
3. Copy of Correction Deed no. 22005103
4. Copy of Deed of Partial Reconveyance no. 22005200. This document was recorded to release any lien upon Water Right No. 29-10323 so it remains appurtenant to the parcel shown by your records.

With these new documents, I believe you are now in a position where you can complete the transfer of the Water Rights.

Thank you for your cooperation.



Very truly yours,



Scott P. Eskelson

cc:

Evelee Hill

Steve Lovell with encl.

M:\M&E\MD2\E38B6975-6C0C-4158-B207-62DF8B23AD12\0\103000-103999\103906\LL\20may05-IDWR (ID 103906).wpd

RECEIVED  
JAN 27 2020  
Department of Water Resources  
Eastern Region

Law Offices of  
**MARTIN & ESKELSON, PLLC**

Stephen E. Martin, Email: stephen@martineskelson.com  
Scott P. Eskelson, Email: scott@martineskelson.com

P.O. BOX 3189  
IDAHO FALLS, ID 83403-3189  
PHONE: (208) 523-6644  
FAX: (208) 522-0791

OFFICES:  
425 S. HOLMES  
IDAHO FALLS, ID 83401

January 22, 2020

Idaho Department of Water Resources-Eastern Region  
900 N. Skyline Dr., Suite A  
Idaho Falls, ID 83402-1718

RE: Water Rights Transfer

Ladies and Gentlemen:

Enclosed with this letter please find the following:

1. Notice of Change in Water Right Ownership form for water rights:

29-150  
29-4234  
29-4233  
29-10323

2. Notice of Security Interest in a Water Right for the same four water rights. The property upon which these rights are used has been sold and is subject to a deed of trust in favor of Evelee Hill Rush and The Robert Rush Sheltered Trust, Evelee Hill Rush as trustee. This form is provided to evidence the Evelee Hill Rush has a security interest in these rights pursuant to the deed of trust which secures her loan.

3. Notice of Change in Water Right Ownership for right no 29-12887.

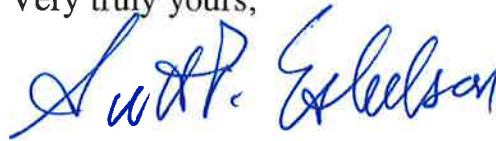
4. Copies of the two deeds associated with the transfer of these right. Water Right no. 29-12887 is associated with the property transferred to Bear River Storage, LLC and The Lava Hotel, LLC. The property which is the place of use for the other four rights was transferred to Sorensen's Meadow, LLC which is also the debtor under the deed of trust mentioned.

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5. A check in the amount of \$225.00 to cover the fee of \$25.00 per right transferred and \$25.00 per right for which the Notice of Security Interest is applicable.

Please process these. Please return a copy of the processed forms to my attention to confirm these actions.

Very truly yours,



Scott P. Eskelson

Enclosures

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