

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 37-8830

Priority: August 04, 1994

Maximum Diversion Rate: 0.10 CFS

It is hereby certified that:

KEITH R LOPATY
JODIE LOPATY
2207 WESTSHORE LN
WESTLAKE VLG CA 91361-1951

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 04, 1994, and has submitted Proof of Beneficial Use on May 25, 1995. An examination confirms water is diverted from:

Source : CLEAR CREEK

Tributary: SINKS

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
AESTHETIC STORAGE	1/01 to 12/31		0.2 AF
DIVERSION TO STORAGE	1/01 to 12/31	0.10 CFS	

Location of Point(s) of Diversion

CLEAR CREEK SW¼ NE¼, Sec. 31, Twp 04N, Rge 18E, B.M. BLAINE County

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
03N	18E	6			X															

Conditions of Approval

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. The pond established by the storage of water under this right shall not exceed a total capacity of 0.2 acre-feet.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Place of use is located within Amended Lot 19A, Blk. 2; Aspen Hollow Subdivision.

State of Idaho
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This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 28th day of June, 20 19.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources

Attachment to Water Right License

37-8830

This map depicts the AESTHETIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.15 0.3 0.6 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 28, 2019

KEITH R LOPATY
JODIE LOPATY
2207 WESTSHORE LN
WESTLAKE VLG CA 91361-1951

RE: License No. 37-8830

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a water master in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2019, I served a true and correct copy of Water Right License No. 37-8830 by U.S. Mail, postage prepaid, to the following:

KEITH R LOPATY (Current Owner)
JODIE LOPATY (Current Owner)
2207 WESTSHORE LN
WESTLAKE VLG CA 91361-1951

WATER DISTRICT #37
KEVIN D LAKEY (Watermaster)
107 W 1ST
SHOSHONE ID 83352



Denise Maline
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 10 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

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?
37-8830	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-21258	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-21260	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-21262	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Christie Haugh
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Keith & Jodie Lopaty
New owner(s) as listed on the conveyance document
- Mailing address: 2207 Westshore Ln City: Westlake Village State: CA ZIP: 91361
Telephone: 818 571-8719 Email: Keith.Lopaty@gmail.com
- Name connector ☐ and ☐ or ☐ and/or

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: 4/24/19

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: Keith Lopaty Title, if applicable: _____ Date: 6/6/19
 Signature: Jodie Lopaty Title, if applicable: _____ Date: 6/6/19

For IDWR Office Use Only:

Received by: DM Date: 6-24-19 Receipt No.: 5037400 Receipt Amt.: \$75-
 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: _____ Processed by: DM Date: 6/28/2019

HAUGH, CHRISTIE A**5/16/2019**

Type	Basin	Sequence	Basis	Status	Priority Date	Div. Rate (Source	Water Use	Owner
WR	37	21258	Decreed	Active	5/1/1887	0.04 BIG WOOD RIVER	IRRIGATION	HAUGH, CHRISTIE A
WR	37	21260	Decreed	Active	11/12/1936	0.07 BIG WOOD RIVER	IRRIGATION	HAUGH, CHRISTIE A
WR	37	21262	Decreed	Active	4/1/1971	0.04 CLEAR CREEK	IRRIGATION	HAUGH, CHRISTIE A
WR Permit	37	8830		Active	8/4/1994	0.10 CLEAR CREEK	AESTHETIC STORAGE, DIVERSION TO STORAGE	HAUGH, CHRISTIE A

Instrument # 659948

HAILEY, BLAINE, IDAHO
05-07-2019 12:33:29 PM No. of Pages: 2
Recorded for: BLAINE COUNTY TITLE
JOLYNN DRAGE Fee: \$15.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile



WARRANTY DEED

FOR VALUE RECEIVED

Christie Anne Haugh, an unmarried woman

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto

Keith Robert Lopaty and Jodi Lee Lopaty, husband and wife

GRANTEE(S) whose current address is: 2207 West Shore Lane, West Lake Village, CA 91361

the following described premises, to-wit:

*Westshore
Lane*

Lot 19A of GIMLET CORNER : LOT 1 & ASPEN HOLLOW SUB. : LOT 19A, as shown on the official plat thereof, recorded as Instrument No. 432603, records of Blaine County, Idaho

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject to and those made, suffered or done by the Grantee; and subject to all existing patent reservations; restrictions in railroad deeds of record; easements and rights of way established and of record; protective covenants of record; zoning ordinances and applicable building codes, use restrictions, ordinances, laws and regulations of any governmental unit; general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable; and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated this 07 day of April, 2019.

Christie Anne Haugh
Christie Anne Haugh

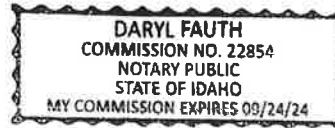
State of Idaho
County of Blaine

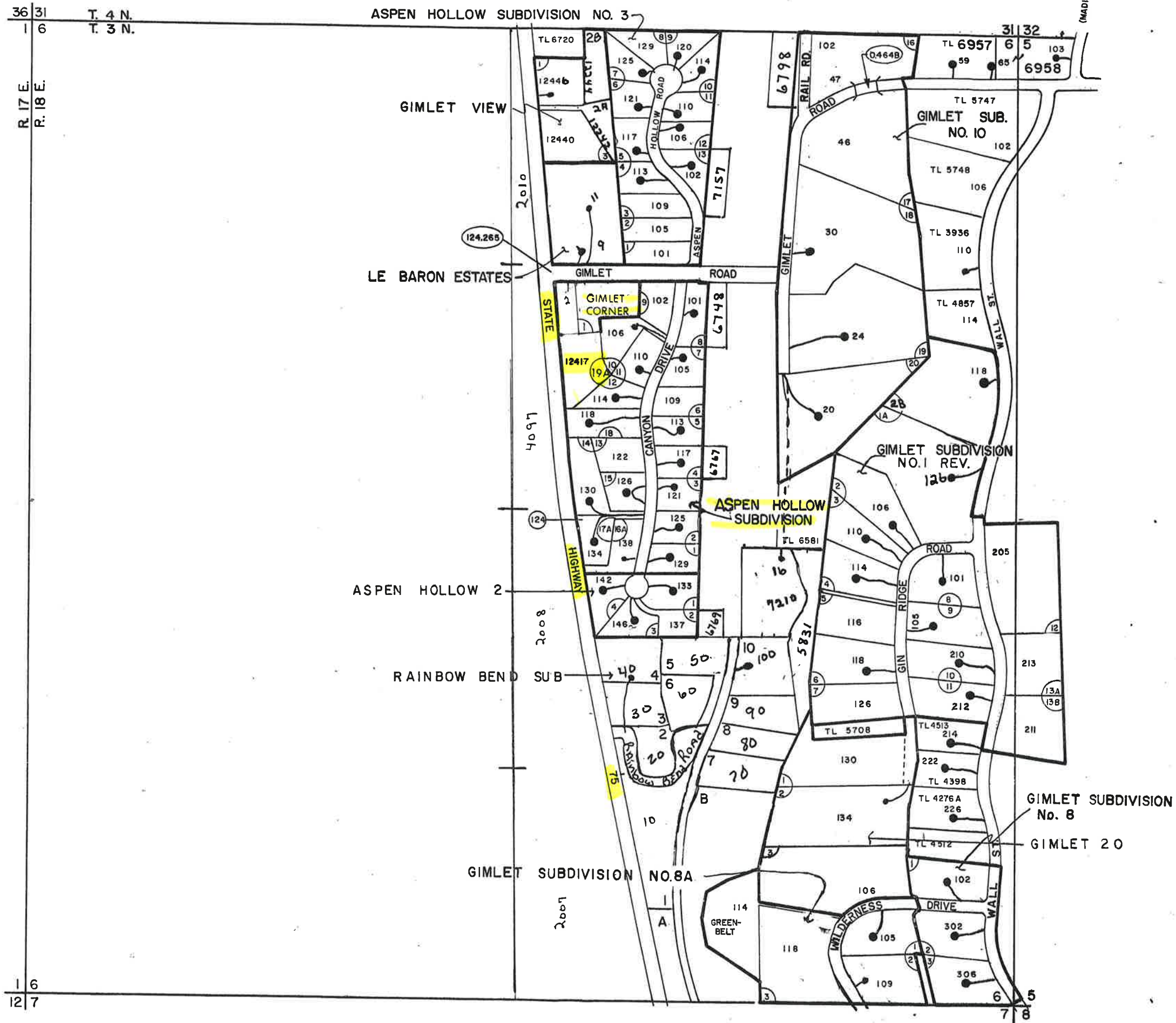
This record was acknowledged before me on 24th day of April, 2019, by Christie Anne Haugh.



Notary Public Daryl Fauth
My Commission Expires: September 24, 2024

(STAMP)





1800	1911	1912
1800	Derail 1901 of Page 1900	1934
1800	1902	1903