



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 31, 2019

NORMAN SEMANKO
PARSONS BEHLE & LATIMER
800 W MAIN ST STE 1300
BOISE ID 83702

RE: Change in Ownership Water Right No(s): 63-194 for The Island at Two Rivers HOA, Inc., The Streams at Two Rivers HOA, Inc., Two Rivers HOA, Inc., The Pointe at Two Rivers HOA, Inc., and Rivermoor at Two Rivers HOA, Inc.

Dear Norm:

Emalee Rushing asked me to return these applications to you. This ownership change has been pending since 2014. Emalee informed me she had spoken to you about returning these. I will also be requesting a refund that will be sent to Moffatt Thomas as the check for the ownership change came from them.

If you have any questions regarding this matter, please contact me at (208) 287-4942 or Emalee at (208) 287-4952. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

RECEIVED

JUN 24 2011

DE
NOTICE CSOURCES
IT OWNERSHIPDEPARTMENT OF
WATER RESOURCES

ORIGINAL

Please print or type. Attach

s are included at the end of this form.

1. Please list the water right number(s) or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
63-194		X			

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
 - B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
 - C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) T.R. Company LLC
250 S. Beechwood Ave., Ste 120 Boise, ID 83709
4. New Owner/Claimant(s) Rivermoor at Two Rivers Homeowners Association, Inc.
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 664 Rivershore Ln., Suite 152
- City, State and ZIP Code Eagle, ID 83616
- New Telephone Number (208) 323-1080 Email: bree@advantage-idaho.com

5. Date you acquired the property Jan 10, 2008

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Water Right and/or Adjudication Claim Number: 63-194		
Irrigation	0.03 cfs	1.2 acres
Stock		
Domestic		
Other		
Totals	0.03 cfs	
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

W. S. 2, PRESIDENT

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

RECEIVED

JUN 24 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DEPARTMENT OF
WATER RESOURCES

*Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.*

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
63-194		X			

2. The following **REQUIRED** information must be submitted with this form:

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- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

OR

- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) T.R. Company LLC
250 S. Beechwood Ave., Ste 120 Boise, ID 83709
4. New Owner/Claimant(s) The Island at Two Rivers Homeowners Association, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 664 Rivershore Ln., Suite 152
- City, State and ZIP Code Eagle, ID 83616
- New Telephone Number (208) 323-1080 Email: bree@advantage-idaho.com

5. Date you acquired the property Dec 29, 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Water Right and/or Adjudication Claim Number: 63-194		
Irrigation	0.03 cfs	1.2 acres
Stock		
Domestic		
Other		
Totals	0.03 cfs	
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Jennifer Meyer
President

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Receipted by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

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JUN 24 2013

DEPARTMENT OF
WATER RESOURCES

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

*Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
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Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
63-194		X			

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OR

- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) T.R. Company LLC
250 S. Beechwood Ave., Ste 120 Boise, ID 83709
4. New Owner/Claimant(s) The Streams at Two Rivers Homeowners Association, Inc.
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 664 Rivershore Ln., Suite 152
- City, State and ZIP Code Eagle, ID 83616
- New Telephone Number (208) 323-1080 Email: bree@advantage-idaho.com

5. Date you acquired the property 2003 and 2006

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Water Right and/or Adjudication Claim Number: 63-194		
Irrigation	0.08 cfs	3.4 acres
Stock		
Domestic		
Other		
Totals	0.08 cfs	
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

William R. Smoke President of STREAMS HOA
 (title if applicable)
William R. Smoke President of STREAMS HOA
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
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 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

RECEIVED

JUN 24 2013

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

DEPARTMENT OF
WATER RESOURCES

*Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
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Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
63-194		X			

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3. Name and Address of Former Owner/Claimant(s) T.R. Company LLC
250 S. Beechwood Ave., Ste 120 Boise, ID 83709
4. New Owner/Claimant(s) The Pointe at Two Rivers Homeowners Association, Inc.
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 664 Rivershore Ln, Suite 152
- City, State and ZIP Code Eagle, ID 83616
- New Telephone Number (208) 323-1080 Email: bree@advantage-idaho.com

5. Date you acquired the property Dec 27, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Water Right and/or Adjudication Claim Number: 63-194		
Irrigation	0.14 cfs	6.5 acres
Stock		
Domestic		
Other	4.8 ac-ft Aesthetic Storage	1.64 acres of ponds
Totals	0.14 cfs and 4.8 ac-ft for aesthetic storage	
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

D. Tux - President
(title if applicable)

(title if applicable)

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 Receipted by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

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JUN 24 2013

DEPARTMENT OF
WATER RESOURCES

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

*Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
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Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
<u>63-194</u>	_____	<u>X</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

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- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) T.R. Company LLC
250 S. Beechwood Ave., Ste 120 Boise, ID 83709
4. New Owner/Claimant(s) Two Rivers Homeowners Association, Inc.
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 664 Rivershore Ln., Suite 152
- City, State and ZIP Code Eagle, ID 83616
- New Telephone Number (208) 323-1080 Email: bree@advantage-idaho.com

5. Date you acquired the property 2000 to 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Water Right and/or Adjudication Claim Number: 63-194		
Irrigation	2.24 cfs	102.4 acres
Stock		
Domestic		
Other	0.83 cfs diversion to storage 107.3 ac-ft Aesthetic Storage	36.36 acres of ponds
Totals	3.07 cfs and 107.3 ac-ft for aesthetic storage	
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number:		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

[Signature] **PRESIDENT**
(title if applicable)
(title if applicable)

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For IDWR Office Use Only:

Received by *[Signature]* Date 6-24-13
 Received by *[Signature]* Date 6-24-13
 Processed by _____ AJ Date _____

Receipt Amt. 100.00
 Receipt No. 1097393
 WR _____ Date _____

Rushing, Emalee

From: Rushing, Emalee
Sent: Friday, December 11, 2015 3:39 PM
To: Sarah McCormack
Subject: RE: Change of Ownership Forms

Sarah,

While it might be a good idea to have the documents recorded, they only need to be notarized for our purposes.

Feel free to call or email if you have any other questions.

Thank you,
Emalee
208-287-4952

From: Sarah McCormack [SAM@moffatt.com]
Sent: Friday, December 11, 2015 1:56 PM
To: Rushing, Emalee
Subject: Change of Ownership Forms

Emalee,

My name is Sarah and I am an attorney with Moffatt Thomas. I had a question about Change of Ownership forms and Norm Semanko suggested I contact you. Do the conveyance documents included with the application need to be recorded? Let me know.

Thank you,
Sarah

SARAH A. MCCORMACK
Attorney

Direct 208 385 5474

Main 208 345 2000

Fax 208 385 5384

SAM@moffatt.com

<http://www.moffatt.com>

Mailing Address:

P.O. Box 829

Boise, ID 83701-0829

Physical Address:

101 S. Capitol Blvd., 10th Floor

Boise, ID 83702-7710

NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client or other confidential communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 345-2000, so that our address record can be corrected. Thank you.

NOTICE: To comply with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments, is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.

Rushing, Emalee

From: Rushing, Emalee
Sent: Tuesday, September 15, 2015 4:43 PM
To: 'Leni Patton'
Subject: RE: Water Right 63-194 [MT-C.FID612023]

Hi Leni,

I think this should be fine. The most important thing is the name must match the deed and at least one owner must sign the notice. Also, in the case conveyance documents that are not some type of warranty deed, we will a chain of title back to the last warranty deed or TR Co. At a glance, it looks like Tabs 3, 4, 7, 18, 23, 25, and 26 will need the prior deed(s). I'm not sure about the additional 6 parcels which intersect with Pond 3.

Feel free to call if you need any further clarification.

Thank you!
Emalee

From: Leni Patton [<mailto:LPS@moffatt.com>]
Sent: Tuesday, September 15, 2015 9:32 AM
To: Rushing, Emalee; Norm Semanko
Subject: RE: Water Right 63-194 [MT-C.FID612023]

Hi Emalee!

Attached are some Notices of Change of Water Right Ownership. Will you please take a look at them and make sure I have completed them correctly, before we submit them to the homeowners for signature ? Thank you!

LENI PATTON
Paralegal

**MOFFATT
THOMAS**
Attorneys at Law

Direct 208 385 5464

Main 208 345 2000

Fax 208 385 5384

LPS@moffatt.com

<http://www.moffatt.com>

Mailing Address:	Physical Address:
P.O. Box 829	101 S. Capitol Blvd., 10th Floor
Boise, ID 83701-0829	Boise, ID 83702-7710

From: Rushing, Emalee [<mailto:Emalee.Rushing@idwr.idaho.gov>]
Sent: Monday, August 31, 2015 11:55 AM
To: Norm Semanko; Leni Patton
Subject: Water Right 63-194

Water Right 63-194 has 16 ponds. Of the 16 ponds, 13 are on various HOA parcels. The 3 remaining ponds intersect with 32 parcels not owned by the HOAs.

In order to place the remaining 3 ponds (water rights) into the name of the HOA, you would need to submit a conveyance document from each of the 32 parcel owners. Alternatively, each parcel owner could submit an ownership change for their portion of the water right. The fee to divide a water right is \$100. If the ownership changes were submitted together, we would process as a package and charge \$100 for the group. If they trickle in at later dates, it will be \$100 per notice.

If the interest in the water right is conveyed to the HOA, I would add it to the previously submitted ownership change notices and there would be no further fees.

The following is my review of the documents submitted at our meeting on August 13th.

The table identifies 4 ponds. I've attached a map which shows how the tax lots intersect with the ponds.

Re **"Pond 1"** – Parcels (Tab) 1, 9, 10 and 16 do not intersect with the pond. The property appears to have the pond at the edge and perhaps slightly intersects, but the amount is not measureable enough to divide.

Re **"Pond 2"** – This pond is already part of the ownership change submitted by Pointe at Two Rivers HOA.

Re **"Pond 3"** – Only 1 parcel is listed – there are a total of 7 parcels which intersect with this pond. Please see the attached spreadsheet for parcel information.

Re **"Pond 4"** – Everything matches.

Re Miscellaneous Item – Tab E – Tax lot data shows Rivermoor at Two Rivers Homeowners Association Inc is the tax lot holder of PIN R8584560150, Sub Two Rivers No 07, Lot 20, Blk 24. The Correction Warranty Deed recorded as 108005045 does not reference this tax lot. I don't know what was corrected or if this lot was ever included on this deed. Perhaps tax lot information is incorrect or there is another deed which conveyed this parcel to Rivermoor. The deed submitted with the Two Rivers ownership change is enough to change it to Two Rivers. I just pointed out the tax lot info to give them an opportunity to put it in Rivermoor's name should that be the correct thing to do.

I'd like to set a deadline for a decision on this and move forward with what we have at that time.

Thank you,
Emalee
287-4952

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Rushing, Emalee

From: Rushing, Emalee
Sent: Monday, August 31, 2015 11:55 AM
To: 'Norm Semanko'; 'lps@moffatt.com'
Subject: Water Right 63-194
Attachments: Two Rivers August 2015.pdf

Water Right 63-194 has 16 ponds. Of the 16 ponds, 13 are on various HOA parcels. The 3 remaining ponds intersect with 32 parcels not owned by the HOAs.

In order to place the remaining 3 ponds (water rights) into the name of the HOA, you would need to submit a conveyance document from each of the 32 parcel owners. Alternatively, each parcel owner could submit an ownership change for their portion of the water right. The fee to divide a water right is \$100. If the ownership changes were submitted together, we would process as a package and charge \$100 for the group. If they trickle in at later dates, it will be \$100 per notice.

If the interest in the water right is conveyed to the HOA, I would add it to the previously submitted ownership change notices and there would be no further fees.

The following is my review of the documents submitted at our meeting on August 13th.

The table identifies 4 ponds. I've attached a map which shows how the tax lots intersect with the ponds.

Re **"Pond 1"** – Parcels (Tab) 1, 9, 10 and 16 do not intersect with the pond. The property appears to have the pond at the edge and perhaps slightly intersects, but the amount is not measureable enough to divide.

Re **"Pond 2"** – This pond is already part of the ownership change submitted by Pointe at Two Rivers HOA.

Re **"Pond 3"** – Only 1 parcel is listed – there are a total of 7 parcels which intersect with this pond. Please see the attached spreadsheet for parcel information.

Re **"Pond 4"** – Everything matches.

Re Miscellaneous Item – Tab E – Tax lot data shows Rivermoor at Two Rivers Homeowners Association Inc is the tax lot holder of PIN R8584560150, Sub Two Rivers No 07, Lot 20, Blk 24. The Correction Warranty Deed recorded as 108005045 does not reference this tax lot. I don't know what was corrected or if this lot was ever included on this deed. Perhaps tax lot information is incorrect or there is another deed which conveyed this parcel to Rivermoor. The deed submitted with the Two Rivers ownership change is enough to change it to Two Rivers. I just pointed out the tax lot info to give them an opportunity to put it in Rivermoor's name should that be the correct thing to do.

I'd like to set a deadline for a decision on this and move forward with what we have at that time.

Thank you,
Emalee
287-4952

Rushing, Emalee

From: Norm Semanko [nms@moffatt.com]
Sent: Monday, August 31, 2015 8:22 AM
To: Rushing, Emalee; Leni Patton
Subject: Re: Water Right 63-194

Thank you, Emalee. We'll look forward to hearing from you further.

Norm Semanko

From: Rushing, Emalee
Sent: Wednesday, August 19, 2015 3:41 PM
To: Norm Semanko; Leni Patton
Subject: Water Right 63-194

Just a quick note to say I have completed my research and have some information to share. I have a couple of questions to ask Jeff Peppersack and hope to catch up with him in the next few days. I will send you a detailed email at the beginning of next week.

Emalee
287-4952

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Rushing, Emalee

From: Rushing, Emalee
Sent: Monday, August 10, 2015 9:56 AM
To: 'Norm Semanko'
Subject: RE: 63-194 Change of Ownership - Two Rivers [MT-Client.FID612023]

Okay, sounds good.

From: Norm Semanko [<mailto:nms@moffatt.com>]
Sent: Monday, August 10, 2015 9:52 AM
To: Rushing, Emalee
Subject: Re: 63-194 Change of Ownership - Two Rivers [MT-Client.FID612023]

Let's plan on Thursday, Aug 13 at 2:00 at IDWR. It will be me and Leni Patton, our paralegal that has researched the ownership of the parcels in question. Thanks.

Norm Semanko

From: Rushing, Emalee
Sent: Monday, August 10, 2015 9:18 AM
To: Norm Semanko
Subject: RE: 63-194 Change of Ownership - Two Rivers [MT-Client.FID612023]

Would the 12th or 13th around 2 or 4 pm be okay?

From: Norm Semanko [<mailto:nms@moffatt.com>]
Sent: Monday, August 10, 2015 7:59 AM
To: Rushing, Emalee
Subject: Re: 63-194 Change of Ownership - Two Rivers [MT-Client.FID612023]

Emalee,

Sorry I wasn't able to get back to you before I left town. Are any of those three days still available for you (Aug 11-13)? Thanks.

Norm Semanko

From: Rushing, Emalee
Sent: Tuesday, July 28, 2015 9:24 AM
To: Norm Semanko
Subject: RE: 63-194 Change of Ownership - Two Rivers [MT-Client.FID612023]

I am available August 11-13th. Please let me know what time you'd like to meet.

Thank you!

From: Norm Semanko [<mailto:nms@moffatt.com>]
Sent: Monday, July 27, 2015 1:37 PM

To: Rushing, Emalee

Subject: Re: 63-194 Change of Ownership - Two Rivers [MT-Client.FID612023]

Emalee,

We have obtained and compiled the requested conveyance documents. Please let me know if you are available to meet with us this Friday afternoon, July 31, or sometime during the week of August 10-14, so we can go over them with you. We look forward to completing the ownership change soon.

Regards,

Norman M. Semanko

Moffatt Thomas

From: Rushing, Emalee

Sent: Thursday, April 30, 2015 7:07 PM

To: Norm Semanko

Subject: RE: 63-194 Change of Ownership - Two Rivers [MT-Client.FID612023]

Hi Norm,

I've been looking over the documents submitted for the ownership change and I am still arriving at the same conclusion. As stated below, in order to complete the ownership change as requested, the Department will need to see conveyance document(s) for the 3 ponds in the NESW (Lot 6) and the SESW and the 2.7 acres of irrigation.

Please let me know how you'd like to proceed.

Thank you,
Emalee

From: Norm Semanko [<mailto:nms@moffatt.com>]

Sent: Tuesday, March 24, 2015 5:13 PM

To: Rushing, Emalee

Subject: RE: 63-194 Change of Ownership - Two Rivers [MT-Client.FID612023]

Hi Emalee,

Our client would like to get this Change of Ownership finished. In the email below, you said that you were going to take one more look at the deeds and how they intersect with the POU to make sure you hadn't missed anything.

Please let me know exactly what you need from us to allow you to finish processing the Change of Ownership that we filed.

Thank you.

Norm Semanko
Moffatt Thomas

From: Rushing, Emalee [<mailto:Emalee.Rushing@idwr.idaho.gov>]

Sent: Friday, September 05, 2014 6:34 PM

To: Norm Semanko
Subject: RE: 63-194 Change of Ownership - Two Rivers

Norm,

Thank you for the additional information you provided at our meeting on August 19th. I met with Jeff Peppersack and John Homan earlier this week to get their opinion on whether or not the documentation submitted so far was sufficient to complete the ownership change.

I do not think seeing the confidential agreement will be necessary. On Table 1 of the attachment to the agreement I see a note "***17.08 acres of the total pond area were included in various homeowner's lot descriptions that probably should be held by TRHOA on behalf of the members, therefore all storage but the portion in The Pointe's jurisdiction is included with TRHOA (56.9 + 50.4 = 107.3 ac-ft)." If the appurtenant portion of the water right was conveyed to the individual lot owners, then a deed from each owner will be required to change the ownership of the ponds into the HOA's name.

In order to complete the ownership change as requested, the Department will need to see conveyance document(s) for the 3 ponds in the NESW (Lot 6) and the SESW and the 2.7 acres of irrigation. I will take one more look at the deeds and how they intersect with the POU to make sure I haven't missed anything when calculating the irrigation acres.

If you have more documentation or if you'd like me to look over the entire attachment to the agreement to make sure it matches up with what was submitted, please submit a copy and I'll take a look at it.

Thank you,
Emalee

From: Norm Semanko [<mailto:nms@moffatt.com>]
Sent: Sunday, August 17, 2014 10:49 AM
To: Rushing, Emalee
Subject: Re: 63-194 Change of Ownership - Two Rivers

Emalee,

Are you still available to meet with me and Clark Benson of Two Rivers HOA at 4:00 on August 19? Please let me know. Thanks.

Norm Semanko

Sent from my BlackBerry 10 smartphone.

From: Rushing, Emalee
Sent: Thursday, July 31, 2014 10:35 AM
To: Norm Semanko
Subject: RE: 63-194 Change of Ownership - Two Rivers

Norm,

Sorry for the delay in responding. I have a couple trips planned, but no firm dates yet. I will be available at the following times:

18th at 11, 1:30 or 4
19th at 11 or 4
20th-21st 10-12, 3-5

The following week follows that same pattern.

Emalee
287-4952

From: Norm Semanko [<mailto:nms@moffatt.com>]
Sent: Monday, July 28, 2014 1:34 PM
To: Rushing, Emalee
Subject: 63-194 Change of Ownership - Two Rivers

Emalee,

I have had an opportunity to review the information that you provided with my client. We appreciate the time that you have spent on this matter. To make certain that we understand what is being considered with regard to additional processing of the change of ownership, and to make sure we clearly communicate what we are seeking to accomplish, we would appreciate the opportunity to meet with you. Please let me know your availability between August 12 and August 28. We look forward to getting this matter finalized.

Thank you.

Norman M. Semanko
Moffatt Thomas

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Sent 6-11-14

Rushing, Emalee

To: Norm Semanko
 Subject: RE: 63-194 (Two Rivers)
 Attachments: Two Rivers Attachment 1.pdf; Two Rivers Attachment 2.pdf; Two Rivers Attachment 3.pdf; Two Rivers Attachment 4.pdf; Two Rivers Attachment 5.pdf

Please find attached my calculations for the 5 ownership changes submitted for water right 63-194. This is somewhat detailed and I hope not too confusing.

I found a few discrepancies which I've noted below and on the attached documents.

Re the 16 ponds:

I note that the decree states 112.1 AF for Aesthetic Storage to be used for the replacement of losses caused by evaporation from the 38.0 acre total surface area of sixteen (16) ponds established under right 63-32139.

- When trying to figure out the pond size for each pond for the purposes of dividing the water right, I used Attachments A4 – A13 from the transfer application. When it came to Attachment A5 for the NWSE (which I've attached and labeled Attachment 3), the pond notations totaled 7.7 acres but in the water rights detail it listed 10.8 acres. I believe this 10.8 acres was part of the 38 acres of ponds decreed. I used the 7.7 acres for the division of the ponds, but when calculating the pond split I multiplied each of the 3 pond portions by 1.4 (i.e. $10.8/7.7$) to find a proportional increase for each of the ponds.

	NE				NW				SW				SE				Total Acres	Storage	
	NE	NW	SW L7	SE L8	NE	NW	SW	SE L6	NE L6	NW	SW	SE	NE L8	NW L7	SW	SE		AF	CFS
Decreed 16 ponds 38 acres			.4	.8				1.4	10.6			3.8	5.1	10.8	3.3	1.8	38.0	112.1	.83
Pond Acres Per Transfer App			.4	.8				1.4	10.6			3.8	5.1	7.7	3.3	1.8	34.9		

Should you want to look at the application for transfer attachments – here's the link:

<http://www.idwr.idaho.gov/apps/ExtSearch/DocslImages/66kb01 .PDF>

Re Streams ownership change:

- Warranty deed #106077507 conveyed a tax lot that is in another section and not within the POU for water right 63-194.
- Warranty deed #103197482 conveyed 2.8 acres of tax lots in the POU location.

Re Rivermoor ownership change:

- 1.2 acres conveyed.
- I noticed that Ada County tax lot info lists Rivermoor as the owner of Lot 20 Blk 24 of Two Rivers Sub No 7. This lot is part of the Two Rivers ownership change and not the Rivermoor ownership change. If it should go to Rivermoor, please submit the deed which conveyed this lot. Calculations for the split of the water right based on the documents submitted are attached and labeled Attachment 1. Attachment 2 calculates the split based on Lot 20 Blk 24 going to Rivermoor.

Re Two Rivers ownership change:

- The warranty deeds submitted conveyed 59 acres to Two Rivers.
 - 2.1 acres not within the POU (in the NENE Govt. Lot 1 of Section 20).
 - 1.2 acres was later conveyed to Rivermoor and is part of the Rivermoor ownership change.

- 55.7 acres net – of the 55.7 acres is
 - 19.1 acres ponds
 - 36.6 acres irrigation

Irrigations acres conveyed:

- 36.6 acres from above
 - 20.9 acres irrigation from water right grant deed
 - 42.8 acres irrigation from water right grant deed
- Total irrigation acres – 100.3 acres.

On the Two Rivers ownership change, they listed a total of 102.4 acres to be conveyed which leaves a total of 2.1 acres unaccounted for.

To divide the irrigation acres conveyed on the water right grant deeds I used the map labeled Figure 1 that was included with the Two Rivers ownership change. A copy of that map with extra notations regarding the acres listed on the map and acres conveyed with the tax lots is attached and labeled Attachment 4.

I think my calculations are fairly close to what was noted on each ownership change. If you need further explanation or have more information, please let me know.

Thank you,
Emalee

Description of attachments

- Calculations for the splits are detailed on Attachment 1.
- Attachment 2 calculates the split based on Lot 20 Blk 24 going to Rivermoor.
- Attachment 3 is a copy of Application for Transfer Attachment A5 which lists the pond acres and you'll see the pond area does not match the ponds.
- Attachment 4 is a copy of the map included with the Two Rivers ownership change – with additional notes
- Attachment 5 is a map which depicts shapes for the ponds, irrigation POU, and how they intersect with each HOA's tax lots.

From: Norm Semanko [mailto:nms@moffatt.com]

Sent: Wednesday, May 28, 2014 1:02 PM

To: Rushing, Emalee

Subject: Re: 63-194 (Two Rivers)

Thank you. This was an integral part of a settlement between the parties so we would appreciate getting it completed.

From: Rushing, Emalee

Sent: Wednesday, May 28, 2014 9:49 AM

To: Norm Semanko

Subject: RE: 63-194 (Two Rivers)

I tracked down the ownership change. Review of the documents was started, but questions arose. I am going to take a look at it and see what I can do to help move the process along.

From: Norm Semanko [<mailto:nms@moffatt.com>]

Sent: Tuesday, May 27, 2014 10:52 PM

To: Rushing, Emalee

Subject: 63-194 (Two Rivers)

Emalee,

Would you please advise me on the status of processing the Change of Ownership form filed for water right no. 63-194 during 2013?

Thank you.

Norman M. Semanko

Moffatt Thomas

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1. Proposed split of water right 63-194 (based on notices received June 24, 2013)

IRRIGATION within Township 4N, Range 1E, Section 17

Decree

	NE				NW				SW				SE				Total Acres	Rate (cfs)
	NE	NW	SW L7	SE L8	NE	NW	SW	SE L6	NE L6	NW	SW	SE	NE L8	NW L7	SW	SE		
WR 63-194			14.6	15.2				8.6	29.4			6.2	34.9	29.2	26.7	35.2	200.0	4.37

Split Portions

Island																1.2	1.2	.03
Streams																2.8	2.8	.06
Pointe								1.7	3.6			1.1		.1			6.5	.14
Rivermoor															1.2		1.2	.03
Two Rivers*			1.1	1.8				.7	1.1				11.6	4.5	7.3	8.5	36.6	2.19
			4.3	5.5				1.2	14.1			5.0	8.1	12.8	6.9	5.8	100.3	
Total conveyed																	112.0	2.45

Balance left in the name of TR Co LLC

WR 63-194			9.2	7.9				5.0	10.6			.1	15.2	11.8	11.3	16.9	88.0	1.92
																	200.0	4.37

* Two Rivers – top line is tax lot irrigation acres conveyed (36.6 acres) and bottom line is a distribution of the acres conveyed on the two Water Right Grant Deeds (63.7 acres). To distribute the 63.7 acres on the grant deeds, I used the map submitted with the Two Rivers ownership change (Figure 1), subtracted the tax lot acres conveyed. I took the 2.1 acre discrepancy from the SWSE.

PONDS – Amount of acres of ponds per QQ is indicated for calculation purposes only

	NE				NW				SW				SE				Total Acres	Storage	
	NE	NW	SW L7	SE L8	NE	NW	SW	SE L6	NE L6	NW	SW	SE	NE L8	NW L7	SW	SE		AF	CFS
WR 63-194			X	X				X	X			X	X	X	X	X	38*	112.1	.83
			.4	.8				1.4	10.6			3.8	5.1	10.8	3.3	1.8			

Split Portions

Pointe								1.4	.2								1.6	4.7	.04
Two Rivers			.4	.8									5.1	10.8**	3.3	1.8	22.2	65.5	.48

Balance left in the name of TR Co LLC

WR 63-194								10.4			3.8						14.2	41.9	.31
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* The 38 acres for the 16 ponds is based on the partial decree.

** The breakdown for acres per pond is based on the application for transfer map attachments A4 - A13. I found what I believe is an error on attachment A5. The pond acres noted on attachment A5 for NWSE Govt. Lot 7 add up to 7.7 acres, but the total for ponds in the detail portion indicates 10.8 acres. For the purpose of calculating the pond split, I multiplied each of the 3 portions by 1.4, (i.e., 10.8/7.7) to find a proportional increase for each of the ponds (.35 increased to .5, 5.65 increased to 7.9, and 1.7 increased to 2.4).

2. Proposed split of water right 63-194

Per tax lot data- Two Rivers Sub No 07, Lot 20, Blk 24 is owned by Rivermoor at Two Rivers Homeowners Association Inc. If you would like this lot to be in the name of Rivermoor, please submit the deed which conveyed this lot. If you submit the deed for that parcel, the division of the water rights for Two Rivers and Rivermoor would be as follows:

Irrigation

	NE				NW				SW				SE				Total Acres	Rate (cfs)
	NE	NW	SW L7	SE L8	NE	NW	SW	SE L6	NE L6	NW	SW	SE	NE L8	NW L7	SW	SE		
WR 63-194			14.6	15.2				8.6	29.4			6.2	34.9	29.2	26.7	35.2	200.0	4.37

Split Portions

Island																1.2	1.2	.03
Streams																2.8	2.8	.06
Pointe								1.7	3.6			1.1		.1			6.5	.14
Rivermoor															2.9		2.9	.06
Two Rivers*			1.1	1.8				.7	1.1				11.6	4.5	5.6	8.5	34.9	2.16
			4.3	5.5				1.2	14.1			5.0	8.1	12.8	6.9	5.8	98.6	
Total conveyed																	112.0	2.45

Balance left in the name of TR Co LLC

WR 63-194			9.2	7.9				5.0	10.6			.1	15.2	11.8	11.3	16.9	88.0	1.92
																	200.0	4.37

Ponds

	NE				NW				SW				SE				Total Acres	Storage	
	NE	NW	SW L7	SE L8	NE	NW	SW	SE L6	NE L6	NW	SW	SE	NE L8	NW L7	SW	SE		AF	CFS
WR 63-194			X	X				X	X			X	X	X	X	X	38*	112.1	.83
			.4	.8				1.4	10.6			3.8	5.1	10.8	3.3	1.8			

Split Portions

Pointe								1.4	.2								1.6	4.7	.04
Two Rivers			.4	.8									5.1	8.4**	2.6	1.8	19.1	56.4	.41
Rivermoor														2.4**	.7		3.1	9.1	.07

Balance left in the name of TR Co LLC

WR 63-194									10.4			3.8					14.2	41.9	.31
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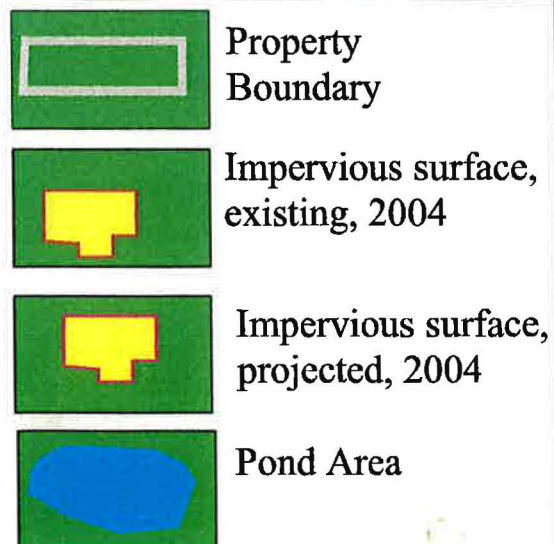
1.92

Two Rivers

Two Rivers
or
Now Rivermoor



Two Rivers Water Rights Detail		NWSE
		Acres
Area - Water Right		40.0
Area - Measured		41.3
Impervious Surface		13.2
Pond Area		10.8 *
Retired Irrigation (Adjusted)		11.9
Remaining Irrigation		17.3



NWSE, Section 17, T 4 N, R 1 E
TWO RIVERS SURFACE AREA

* Pond Area should be 7.7?

Attachment 3

	NE				NW				SW				SE				Total Acres
	NE L7	NW L8	SW L7	SE L8	NE L6	NW L7	SW L6	SE L7	NE L6	NW L7	SW L6	SE L7	NE L8	NW L7	SW L6	SE L7	
Acres on map labeled Figure 1			5.4	7.3			1.9	15.2				5.0	19.7	17.3	16.3	14.3	102.4
Less conveyed lot acres			1.1	1.8			0.7	1.1					11.6	4.5	7.3	8.5	36.6
TOTAL			4.3	5.5			1.2	14.1				5.0	8.1	12.8	9.0	5.8	65.8
Less conveyed on water right grant deeds																	-20.9
Less conveyed on water right grant deeds																	-42.8
Discrepancy																	2.1



ERO

ERO Resources Corp.
3314 Grace Street
Boise, ID 83703
(208) 373-7983
Fax: (208) 373-7985

Place of Use and Acres Irrigated for Two Rivers Homeowners
Association's Portion of 63-194

T4N, R1E, Sec 17 Ada County, Idaho

0 500 1,000
Feet

Legend

Two_Rivers



Figure 1
Two Rivers Subdivision

Prepared for: TRHOA
File: C:\3145
Date: August 28, 2009

Attachment 4

Ownership Changes for Water Right 63-194

