



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 3, 2016

ROBERT DOBERSTEIN
1310 AIPOUR WY
WEISER ID 83672

RE: Assignment of Permit to Appropriate Water 67-15040 and
Notice of Change in Water Right Ownership Water Rights 3-2032, 67-2226 and 3-2036A

Dear Mr. Doberstein:

Here are two copies of each of the forms (and the instructions for completing them) that I promised to send you earlier today. You or your brother may make as many copies of them as you need.

Water rights permits do not have the same legal status as water right licenses or decreed water rights. Permits are personal property. They belong to a person or in your case an entity: NSHE Calhoun Lake an Arizona LLC. That person can carry the permit around with them and within reason, can move it away from the original intended place-of-use.

In contrast, licensed water rights or decreed water rights are real property. They are attached to (the legal term is 'appurtenant to') the land, not the land owner. Usually water rights are conveyed with the land when the land is sold, but land can be sold dry and the water rights sold separately. If the deed is silent about water rights, then IDWR assumes that the water rights are sold with the land. But we don't know for sure until we get the updated ownership.

The Assignment of Permit form

This form will act on only one permit at a time. You will notice that it needs to be notarized. So far, I found that you have only one permit (67-15040) that needs to go through this process. I have included a short report, the Proof Report, which describes the elements of the permit and a map which shows the place-of-use and the points-of-diversion projected against recent aerial photography.

Notice of Change in Water Right Ownership form

This form will act on as many as ten water rights at a time. Based on my queries, I found that you may have at least three water rights. They are 3-2032, 3-2036A and 67-2226. All of them have been decreed in the Snake River Basin Adjudication process and appear to be appurtenant to the island property on the Snake River. I have enclosed copies of the partial decrees for each water right and companion maps which show each water right's place-of-use and point-of-diversion against recent aerial photography.

You and I have not yet determined if your other properties have water rights appurtenant to them. As we discussed, those other properties may be entitled to shares of a water right which is owned

by a ditch company or an irrigation company. It's not always obvious which ditch company serves a particular property. IDWR agents can help determine which ditch company's service territory is relevant if you can provide us the legal address (township, range, section) or the physical address.

A property can have both shares in a ditch company and one or more separate water rights held by an individual landowner. For example, your property at 1587 Loafer Ln (formerly the Randy Smith property) is within the service territory of the Lower Payette Ditch Company. It appears to be entitled to a portion of that ditch company's water. At any rate, the Loafer Ln property could already have ditch company shares and it will eventually have two water rights in your name. Those rights will be 67-15040, once it is licensed, and a new water right authorizing the third well. (As of the date of this letter, that new application has not been assigned a number.)

By the way, if you have not done so already, I recommend that you check on the availability and cost of ditch company shares. Our database shows that the Lower Payette Ditch Co has an address in Payette and a phone number of 208-642-3866.

If you have additional questions call me at 208-287-4946.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele D. Edl", written in a cursive style.

Michele D. Edl

Enclosure(s)