

Keen, Shelley

From: Keen, Shelley
Sent: Friday, January 09, 2015 9:47 AM
To: 'Jim Ekins'
Subject: RE: Transfer of Water Rights 57-4100 and 57-7577

Jim,

Sorry for not replying sooner. I have been out of the office.

Based on a cursory review, the draft ownership change notice and supporting documentation for Water Rights 57-4100 and 57-7577 appear to be in complete, except for the signature and filing fee. We will, of course, review the legal descriptions in the deed attachments more carefully when the notice is formally submitted. Meanwhile, I will place of copy of the this email in the water right files.

Have a great weekend!

Regards,

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Jim Ekins [<mailto:jimekins@cox.net>]
Sent: Friday, January 02, 2015 3:44 PM
To: Keen, Shelley
Subject: Transfer of Water Rights 57-4100 and 57-7577

Please disregard the unsigned Rausch Farms LLC Deed attached to my prior email; that was an earlier draft that differed slightly from the deed used at closing that pertains to these two water rights. Immediately following the Rausch Farms LLC deed to Mr. and Mrs. Van Es was recorded a deed from them into their LLC, in the same transaction. Hence, the new owner of the water rights would be the Van Es LLC, known as "Desert Farms Real Estate, LLC".

Attached please find a pending Notice that we prepared for Mr. Van Es to review and, upon approval, submit directly to you with his payment of your standard filing fee. He reportedly will be out of town for a month and may not be able to tend to this until sometime in February. Ultimately, it will be up to him to complete, sign/date and submit, and not Rausch Farms, L.L.C. We prepared this solely as an accommodation so that the transfer of these two rights wouldn't fall through the cracks.

Thanks.

Jim Ekins
on behalf of Rausch Farms, L.L.C.

From: Jim Ekins
Sent: Friday, January 02, 2015 10:04 AM
To: Keen, Shelley
Subject: Re: Water right conveyance language

Shelley:

The Rausch Farms LLC/Richard Rausch-to-Dale and Jackie Van Es transaction closed this morning. Attached are the two deeds covering the transaction. Note that in the Rausch Farms LLC deed, the two water rights referenced were specifically transferred with the real property to Mr. and Mrs. Van Es, and in the Richard Rausch deed, the two water rights referenced were specifically reserved to the grantor who retained his personal residence and were therefore not transferred to Van Es.

This transaction did not involve the sale of another parcel owned by Rausch Farms, LLC, as to which two stockwater rights pertain. Therefore, those water rights remain unaffected.

Is there anything that I/the Seller should do re. transferring water rights 57-4100 and 57-7577 to Mr. and Mrs. Van Es, or is it customary for the Buyer to fill out and submit your transfer form in due course? (I believe that the latter is the case, but wish to confirm).

Jim Ekins
480.860.2059

From: Keen, Shelley
Sent: Monday, October 20, 2014 12:55 PM
To: Jim Ekins
Subject: Water right conveyance language

Jim,

An answer to your question about deed language conveying water rights can be found in the attached PDF document. See section 2.3 on pages 6 and 7. The document is IDWR's internal guidance regarding the processing of ownership change notices.

In my experience, "... together with all appurtenances ..." is usually sufficient, but we feel most comfortable when the water right numbers are listed.

Regards,

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947