

Mathews, Kerrie

From: TJ Budge [tjb@racinelaw.net]
Sent: Friday, August 22, 2014 1:17 PM
To: Mathews, Kerrie; twin.rivers.transport@gmail.com; Ritewood Inc.
Subject: RE: Twin Rivers Dairy, Inc. Transfer application
Attachments: 13-2236 Twin Rivers Dairy Transfer (Corrected p.3).pdf

Kerrie,

Attached is a corrected page 3 of the transfer application. Please substitute this for the original filed previously. This correction addresses your concerns below, as follows:

1. Part 3 has been revised to add a POD in the SESW. As we discussed by phone, while the map shows the POD in the SESW, there is some concern the GIS lines are skewed in this area, and the true location is in the NESW. To avoid any risk of having the water right show the incorrect location, both quarter sections are now listed as PODs.
2. Part 4 has been revised to show the POU in section 16.

Please give me a call if you have any questions.

Thank you,

TJ

T.J. Budge
Attorney



208.232.6101 — Phone
208.232.6109 — Fax

201 E. Center St. / P.O. Box 1391
Pocatello, Idaho 83204
www.racinelaw.net

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From: Mathews, Kerrie [<mailto:Kerrie.Mathews@idwr.idaho.gov>]
Sent: Monday, August 18, 2014 4:36 PM
To: TJ Budge; twin.rivers.transport@gmail.com; Ritewood Inc.
Subject: Twin Rivers Dairy, Inc. Transfer application

Good Afternoon:

I have received the necessary paperwork to establish that Robert & Ken Hobbs have authority to transfer the water to a new place of use. The additional transfer fee and the release from EL Lands LLC.

However, there are still issues with the application...

1. The application indicates that the new point of diversion is located in the **SESW** quarter of Section 16 Township 16S, Range 40E.. The map that accompanied the application shows the new point of diversion as located in the **SESW** quarter of Section 16 Township 16S, Range 40E... Please clarify the point of diversion.
2. The application indicates that the new place of use is located in the SW quarter of Section **20** Township 16S, Range 40E.. The map that accompanied the application shows the new place of use is located in the SW quarter of Section **16** Township 16S, Range 40E... Please clarify the point of diversion.

In order to move forward... Please correct the map or amend the application.

Kerrie Mathews

Idaho Department of Water Resources

208-525-7161

208-390-6924

"Change is the law of life, and those who look only to the past or present are certain to miss the future."
-John F. Kennedy

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Wednesday, July 16, 2014 3:08 PM
To: 'Ritewood Inc.'
Cc: 'T. J. Budge'
Subject: RE: MX-3100N_20140716_101948.pdf;

Good Afternoon:

The Department has received you documentation... However, it does not resolve the issues...

1. The release from El Lands LLC - must be notarized.
2. The documentation submitted does not establish authority to sign. Water right 13-2236 is in the name of Hobbs Brothers, since there is no documentation with the State Business License Department on this entity the Department must have something else to establish authority to move the water right. The original paperwork for this file is signed by WP Hobbs with a mention of Bob Hobbs. Bob Hobbs has a separate stockwater right, appears to own a separate tax lot and does not appear to be the same person as Robert J Hobbs. In addition no water is being removed from Bob Hobbs property. **In order to move the water right, I must be able to establish with a paper trail that Robert J Hobbs and Ken Hobbs have the authority to sign on behalf of the Hobbs brothers*** This can be accomplished with a chain of title showing that the property the water will be removed from, was transferred from Hobbs brothers or WP Hobbs and Bob Hobbs to Robert J Hobbs and Ken Hobbs.

Thank you,

Kerrie Mathews

"It's not what you look at that matters, it's what you see."
-Henry David Thoreau

-----Original Message-----

From: Ritewood Inc. [<mailto:ritewood@plmw.com>]
Sent: Wednesday, July 16, 2014 10:22 AM
To: Mathews, Kerrie
Subject: MX-3100N_20140716_101948.pdf;

TJ Budge, Racine Olson will get with you on the distribution location of the water. I hope these documents are in order. If you need anything further, let me know. Let Robert Hobbs when he can sign the papers.
Irma Hobbs

MX-3100N_20140716_101948.pdf;



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 17, 2014

Twin Rivers Dairy, Inc
Doug Rallison
326 Maple Creek Road
Franklin, ID 83255

RE: Transfer Application; second request

Dear Mr. Cain;

On April 3, 2014 the Department sent you a request for addition information/documentation in order to continue processing your application. The following information is needed:

1. The transfer fee is \$750.00, the Department received \$500.00, please remit the balance of \$250.00. - PD - 6.24.14
2. Proof of ownership of the water right overlapping EL Lands LLC. - Done - Notarized copy 8.18.14
3. Clarification of the place of use.
4. Documentation for authorized individuals to sign for Hobbs Brothers.

The Department cannot hold your application indefinitely. If the needed information is not received by July 17, 2014 your application and fee will be returned, unprocessed.

If you have any questions, please let me know.

Sincerely,

Kerrie Mathews
Sr. Water Resource Agent

Cc: T.J. Budge, Racine Olson
Enclosure: April 1, 2014 letter



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 1, 2014

Twin Rivers Dairy, Inc - *Doug Harrison*
326 Maple Creek Road
Franklin, ID 83255

RE: Transfer Application

Dear Applicant:

The Department has received your application for transfer; unfortunately the application cannot be processed without further information.

1. The transfer fee is \$750.00 (Transfer fee \$500.00 + Change in the nature of use \$250.00 = \$750.00) paid \$500.00 which leaves a balance due of \$250.00.
<http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/appfeedoc.pdf>
2. A portion of the irrigated land to be dried up is owned by EL Lands LLC.
 - a. According to tax lot data one acre of the land you list in yellow on your map is owned by EL Lands LLC. I do not see a warranty deed or sales agreement from them included in your application package.
3. Your map indicates that the place of use is located in Sec. 16 yet the application indicates the place of use is in Sec. 20.
 - a. Please clarify and correct the place of use.
4. The water right is in the name of HOBBS BROTHERS FRANKLIN ID 83237 – Yet your sales agreement lists Ken D Hobbs & Robert J Hobbs.
 - a. There is no information on Idaho Business Search for HOBBS BROTHERS, I have no way of knowing if these two gentleman have authority to sign on behalf of HOBBS BROTHERS.
<http://www.accessidaho.org/public/sos/corp/search.html?SearchFormstep=crit>
5. Just a reminder, this application will not include a change in ownership.
 - a. A change in ownership will need to occur after a recorded warranty deed is received with the proper form and fee.

If you have any questions, please let me know.

Thank you,

Kerrie Mathews

Cc: T.J. Budge, Racine Olson

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Tuesday, May 13, 2014 11:43 AM
To: 'T. J. Budge'
Subject: Twin Rivers Dairy Inc - Transfer Application

Good Afternoon:

The Department has received your application for transfer, unfortunately the application cannot be processed without further information.

1. The transfer fee is \$750.00 (Transfer fee \$500.00 + Change in the nature of use \$250.00 = \$750.00)
<http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/appfeedoc.pdf>
2. A portion of the irrigated land to be dried up is owned by EL Lands LLC.
 - a. According to tax lot data one acre of the land you list in yellow on your map is owned by EL Lands LLC. I do not see a warranty deed or sales agreement from them included in your application package.
3. Your map indicates that the place of use is located in Sec. 16 yet the application indicates the place of use is in Sec. 20.
 - a. Please clarify and correct the place of use.
4. The water right is in the name of HOBBS BROTHERS FRANKLIN ID 83237 – Yet your sales agreement lists Ken D Hobbs & Robert J Hobbs.
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 - a. A change in ownership will need to occur after a recorded warranty deed is received with the proper form and fee.

If you have any questions, please let me know.

Thank you,

Kerrie Mathews

Idaho Department of Water Resources
208-525-7161
208-390-6924

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-John F. Kennedy



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Thomas J. Budge
tjb@racinelaw.net

RECEIVED

MAY 13 2014

Department of Water Resources
Eastern Region

May 12, 2014

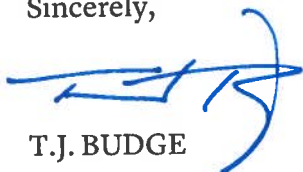
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Partial Transfer of Water Right No. 13-2236

To Whom It May Concern:

Please find enclosed an Application for Transfer of Water Right No. 13-2236, along with a check in the amount of \$500 for the transfer fee. I have also enclosed a second copy of the first page of the application, and ask that you conform stamp and return it to me in the enclosed envelope. Should you have any questions, please give me a call.

Sincerely,



T.J. BUDGE