

Skaggs, Pam

From: Michael C Creamer [mcc@givenspursley.com]
Sent: Thursday, January 16, 2014 3:53 PM
To: Skaggs, Pam
Subject: Jay and Christine Brown Water Rights/Water Bank Lease [IWOV-GPDMS.FID524430]
Attachments: Brown to Lindstrom Warranty Deed.PDF; Order Granting Stay of Execution Pending Appeal (CONFORMED).PDF; Final Judgment (Recorded in Gem County).PDF; Judgment (CONFORMED COPY).PDF

Dear Pam

Per your request, I am attaching copies of the Brown-Lindstrom deed reserving the appurtenant water rights to the Browns, and of the District Court's judgment determining the Browns' ownership of the subject water rights as against Ms. Greenheart.

Please let me know if you have any questions or need anything further.

Sincerely,

Mike

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
Direct: 208-388-1247
Main: 208-388-1200
Fax: 208-388-1300
www.givenspursley.com

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WARRANTY DEED

ATEC Order No.:148122

FOR VALUE RECEIVED

Instrument # 0000429258
ELMORE COUNTY, ID
01:33:37 PM Jul 24, 2012
For ALLIANCE TITLE - MTN. HOME OI
No. of Pages: 1 Fee: \$10.00
BARBARA STEELE, Recorder
JBC, Deputy

Jay B. Brown and Christine M. Hopson-Brown, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Daniel D. Lindstrom, a single man and Brian J. Strickler, a single man

whose current address is

**6379 SW Division Road
Mountain Home, ID 83647**

the grantee(s), the following described premises, in Elmore County, Idaho, TO WIT:

Township 4 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 24: North ¼ Northeast ¼ Northeast ¼

SAVE AND EXCEPT that portion deeded to the Glens Ferry Highway District, as disclosed by Right-of-Way Deed recorded June 14, 1983, as Instrument No. 215824, records of Elmore County, Idaho

The above referenced property will be conveyed only with the appurtenant domestic water right and the current owner reserves and will reserve all irrigation water rights, including all of the current owners right, title and interest in water right nos. 61-2188, 61-7151, 61-12272 and 61-12273, in the records of Idaho Department of Water Resources.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 24, 2012

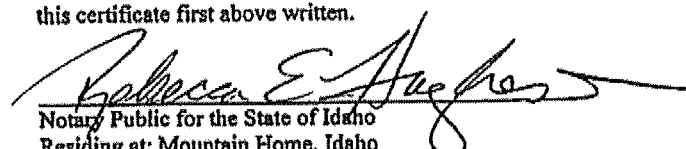

Jay B. Brown


Christine M. Hopson-Brown

State of Idaho } ss
County of Elmore}

On this 24 day of July, 2012, before me, the undersigned, a Notary Public in and for said state, personally appeared Jay B. Brown and Christine M. Hopson-Brown, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for the State of Idaho
Residing at: Mountain Home, Idaho
Commission Expires: 11/30/16

REBECCA E. HUGHES
NOTARY PUBLIC
STATE OF IDAHO

RECEIVED

SEP 17 2013

Givens Pursley, LLP

Joe Borton [ISB No. 5552]
Victor Villegas [ISB No. 5860]
BORTON LAKEY LAW OFFICES
141 E. Carlton Ave.
Meridian, ID 83642
Boise, Idaho 83702
Office: (208) 908-4415
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FILED
2013 SEP 13 PM 3:49

BARBARA L. LITTLE
CLERK OF THE COURT
DEPUTY
10/

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE**

JAY BROWN and CHRISTINE HOPSON-
BROWN, Husband and Wife,

Plaintiffs,

v.

AUGUSTA SAYOKO MIMOTO
GREENHEART, an individual,

Defendant.

CASE NO. CV 2012-353

**ORDER GRANTING STAY OF
EXECUTION PENDING
APPEAL**

The above-entitled action having come on pursuant to Defendant's Application for Stay of Execution Pending Appeal, and the parties' Stipulation For Stay Of Execution Pending Appeal filed September 9, 2013 and good cause appearing;

NOW, THEREFORE, it is hereby ordered, that said application is hereby granted and that these proceedings are hereby stayed pending appeal.

IT IS FURTHER ordered that Defendant shall deposit with the Court an appeal bond in the sum

COPY

of \$75,450.31 within five (5) business days of the issuance of this order. If Defendant fails to deposit the appeal bond within the timeframe set forth in this order, this order staying execution shall be automatically void and of no further force and effect.

DATED this 13th day of September, 2013.

18 LYNN G. NORTON
LYNN NORTON,
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2013, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, and addressed to; by fax transmission to; by overnight delivery to; or by personally delivering to or leaving with a person in charge of the office as indicated below:

Michael C. Creamer
Thomas E. Dvorak
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1300

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☐ Fax
☐ Overnight Delivery
☐ Hand Delivery

Joc Borton
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☒ U.S. Mail
☐ Fax
☐ Overnight Delivery
☐ Hand Delivery

BARBARA STEELE
Clerk of Court

13/sealed
CLERK, Deputy

INSTRU. NO. 293557
PAGES. 1 OF 3

FILED

2013 AUG -7 AM 9:32

BARBARA STEELE
CLERK OF THE COURT
DEPUTY *HS*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT FOR THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

JAY BROWN and CHRISTINE HOPSON-
BROWN, husband and wife,

Plaintiffs,

v.

AUGUSTA SAYOKO MIMOTO
GREENHEART, an individual,

Defendant.

Case No. CV-2012-353

FINAL JUDGMENT

Instrument # 293557

EMMETT, GEM, IDAHO

8-16-2013 12:36:10 No. of Pages: 3

Recorded for: GIVENS PURSLEY LLP

SHELLY TILTON

Fee: 16.00

Ex-Officio Recorder Deputy *Susy Stewart*

Index to: JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, based upon the Judgment filed May 23, 2013 and the Memorandum Decision and Order Granting In Part Plaintiff's Fees and Costs filed on August 6, 2013, that final judgment is hereby entered in favor of Plaintiffs and against Defendant on all counts and claims for relief of the Complaint; and fees and costs of \$55,478.18 are awarded to the Plaintiffs.

IT IS SO ORDERED and DATED this 6th day of August, 2013.

Lynn Norton
Lynn Norton
District Judge

STATE OF IDAHO)
COUNTY OF ELMORE) ss
I hereby certify that the foregoing instrument is a
true and correct copy of the original on file in this
office.

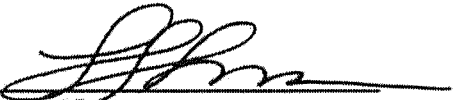
August 9 2013
By *Barbara Steele* Barbara Steele, CLERK
Deputy

FINAL JUDGMENT

RULE 54(b) CERTIFICATE

With respect to the issues determined by this judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment or order and that the court has and does hereby direct that the above order shall be a final judgment or order upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated this 6th day of August, 2013.



Lynn G. Norton
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August, 2013, I caused to be served a true and correct copy of the foregoing document to the persons listed below the method indicated:

Michael C. Creamer
Thomas E. Dvorak
Givens Pursley LLP
P.O. Box 2720
Boise ID 83701-2720

☐ Hand Delivery
☐ Facsimile
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☒ U.S. Mail

Victor Villegas
Borton & Lakey
141 E. Carlton Avenue
Meridian, ID 83642
Facsimile: 493-4610

☐ Hand Delivery
☐ Facsimile
☐ Overnight Courier
☒ U.S. Mail

BARBARA STEELE
Clerk

[Signature]
Deputy Clerk