

Smith, Danni

From: Michael C Creamer [mcc@givenspursley.com]
Sent: Monday, March 19, 2012 11:50 AM
To: Smith, Danni
Cc: Clelland, Steve; 'Christine Brown'; Thomas E Dvorak
Subject: RE: 61-2188 & 61-7151 [IWOV-GPDMS.FID524430]

Dear Danni:

Per our discussion this morning, I represent Jay and Christine Brown, who are the owners of the above water rights 61-2188 and 61-7151. The Browns are aware that Ms. Augusta Greenheart has requested and obtained a change of ownership of portions of these two water rights (now numbered 61-12272 and 61-12273) and has presented IDWR with a copy of a warranty deed to 60 acres of land encompassed within the permissible place of use of the water rights in support of the change of ownership request.

Please be advised that the Browns dispute that Ms. Greenheart has any ownership interest in these water rights, inasmuch as it was represented to Ms. Greenheart and agreed to by her at the time of sale that the property she purchased was being sold as dry land, without water rights. Please also be advised that based upon her representations to the Elmore County Board of Equalization shortly after the time of purchase, and again in 2009 that she purchased the subject property without water rights and holds it solely as dry grazing land, Ms. Greenheart obtained a reclassification of her property from irrigated agricultural to dry grazing.

The Browns are instituting a quiet title action in the state district court to confirm their ownership of 61-12272 and 61-12273 and request that the Department reverse its action splitting 61-2188 and 61-7151, amend its records to place the water rights back in their original ownership status, and refrain from taking any action regarding 61-12272 and 61-12273, including action by the water bank, in derogation of the Brown's asserted ownership.

Sincerely,

Michael C. Creamer
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From: Smith, Danni [<mailto:Danni.Smith@idwr.idaho.gov>]
Sent: Monday, March 19, 2012 9:20 AM
To: Michael C Creamer
Subject: 61-2188 & 61-7151

Water Bank letters sent Friday. Should be profiled today. Keep us posted.