

Steve Loomis

To: John Westra
Subject: Contested Application for Permit #65-23327

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WATER RESOURCES
WESTERN REGION

Mr. Westra,

In response to your letter of November 15th, we wish to not withdraw our application--but move forward. I've attached a copy of the judgment, showing the pending litigation has been settled regarding the other water rights.

With that said, however, the defendant has until January 13th, 2011 to file an appeal. You may wish to wait until after that date to move forward, at your discretion.

Thank you.

Steve Loomis

Loomis Homes, Inc.
7154 W. State St. # 187
Boise, ID 83714

+ Manager
SANDS, LLC

email: loomissteve@gmail.com

Cell: 208 859-8115

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No

CONSTANCE SWEARINGEN, Clerk

By

DEPUTY

Jerry A. Kiser
 STOPPELLO & KISER
 ATTORNEYS AT LAW
 620 West Hays Street
 Boise, Idaho 83702
 Telephone: (208) 336-1020
 Facsimile: (208) 336-1027
 Idaho State Bar No. 3719

Attorneys for Plaintiff

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WATER RESOURCES
 WESTERN REGION

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

SANDS LLC, an Idaho limited
 liability company,

Plaintiff/
 Counterdefendant,

-vs-

TIMOTHY S. SWENSON and
 JENNIFER SWENSON, Husband
 and Wife; ALL PERSONS
 CLAIMING ANY RIGHT, TITLE,
 ESTATE, LIEN OR INTEREST IN
 IDAHO STATE WATER RIGHT NOS.
 65-02035; 65-03504; and,
 65-11141,

Defendants/
 Counterclaimants.

Case No. CV-2008-255

JUDGMENT

This Court having entered Findings of Fact and Conclusions
 of Law on October 13, 2010, which Findings and Conclusions
 determined that SANDS LLC is entitled to a decree quieting title
 in and to State of Idaho Water Right Nos. 65-02035; 65-03504;
 and, 65-11141.

JUDGMENT - 1.

NOW, THEREFORE, IT IS HEREBY DECREED AND ADJUDGED that Plaintiff, SANDS LLC, is the owner in fee simple of water right nos. 65-02035; 65-03504; and, 65-11141, records of the Idaho Department of Water Resources and is entitled to quiet and peaceful possession of said water rights, and that the Defendants above-named, and each of them, and all persons claiming by, under, or through them, are hereby decreed to have no estate, right, title, lien, or interest in or to the water rights or any part thereof, and Defendants are permanently barred and enjoined from asserting any claim, right, title, or interest in said water rights, or from asserting any adverse claim to Plaintiff's title and ownership of said real property water rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREE that Judgment be and hereby is entered in favor of Plaintiff and against Defendant on Defendants' Counterclaim.

DATED this 1 day of ^{December}~~November~~, 2010.



Honorable Patrick H. Owen
District Judge