

Marshall, Aaron

From: Peppersack, Jeff
Sent: Thursday, August 02, 2007 5:40 PM
To: Marshall, Aaron
Subject: FW: Water rights Deersky Ranch Subdivision--Larry Williams

Aaron,

I met with Bob Rogero about water right ownership for the DeerSky HOA today. They filed a notice that will be forwarded to Western AJ for processing. The notice included all of 63-7011A and portions of 63-32299 and 63-32301. They included a sample deed for one of the lots that referenced CCR's for the subdivision. The CCR's are not real clear, but could be interpreted to reserve the water rights to the homeowner's association. The portion in the NENW of the section (38 acres) will be split off from their portions due to federal land ownership. Looks like 63-32299 and 63-32301 are currently in the bank but the other right is not.

*all rights are in the bank
 portion of 63-7011A is rented for 2007*

Mr. Rogero will be contacting you about retaining portions of their rights in the bank. I think they already left some out for common areas and will want to retain some in the bank until more lots are sold. We will probably need to address the federal portion by sending a letter to the federal ownership and current recorded owner asking intent about the bank and releasing from the bank if no response.

Jeff

[Peppersack, Jeff]

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

From: Peppersack, Jeff
Sent: Monday, July 30, 2007 12:01 PM
To: 'Claudialee3@aol.com'
Cc: RCROGERO@aol.com
Subject: RE: Water rights Deersky Ranch Subdivision--Larry Williams

Claudia,

I am attaching my previous correspondence to you regarding this issue. I think you need to review your covenants to determine if the covenants indicated ownership of the water rights to be reserved for the HOA. If its clear that the water rights were to be reserved to the HOA, then the HOA could file a Notice of Owner Change with the Department on that basis.

If the reservation of the water rights for the HOA is not clear in the covenants, then it would appear that the individual lot owners were conveyed the water rights along with their parcels of land. If that is the case, the lot owners can convey their portions of the water rights to the HOA first, and then the HOA would file a Notice of Owner Change with the Department. Please note that, if conveyance from the lot owners to the HOA is necessary, the Department cannot provide that kind of legal service.

I have attached a Notice of Owner Change form for your use. The water rights involved are 63-7011A, 63-32299 and 63-32301 (note that 63-7075A and 63-3330A were split and the results for the subdivision area are 63-32299 and 63-32301). These rights are not yet decreed in the SRBA, so there is no filing fee for the notice.

Regarding the Water Supply Bank issue, once the ownership is taken care of, the HOA can choose to keep the rights in the bank, remove the rights from the bank, or remove portions of the rights from the bank.

Jeff

Bureau Chief
 Water Allocation Bureau
 208-287-4948

9/24/2007

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

From: Claudiale3@aol.com [mailto:Claudiale3@aol.com]
Sent: Monday, July 30, 2007 9:57 AM
To: Peppersack, Jeff
Cc: RCROGERO@aol.com
Subject: Water rights Deersky Ranch Subdivision--Larry Williams

Jeff Peppersack
Water Resources
Phone # 287 4948
July 30, 2007

Hi Jeff:

Ref: # 63-7011A, 63-7075A, 63-3330A, 63-32301, and 63-32299

Mr. Robert Rogero and I have had conversations with you about the water rights at our Deersky Ranch Subdivision. We would like to get in writing as to what needs to be done to get these water rights in the HOA.

According to the FCOs that were issued by the Canyon County Commissioners back on October 12, 1999, the water right were to be transferred over to the HOA, for fire and irrigation use, this has never been done.

Mr. Larry Williams put these water rights in the Water Bank. The HOA has no objection to this but we would like the Water Bank check to come to the HOA not to Mr. Williams. How do we facilitate this?

1. First get all parties together in your office to get the water rights changed over in name.
2. Having Larry Williams release the right to the HOA. As Mr. Williams does not own any property at Deersky Ranch Subdivision.
3. File this request so there is a paper trail of the request.

Please let me know if this sequence is correct and when is the earliest date we can facilitate this change.

Thank you,

Claudia Haynes Pres. of HOA
8830 Deersky Ranch Trail
Nampa, Idaho 83686
461 2062
claudiale3@aol.com

Mr. Robert Rogero
12678 Deer Ridge Trail
Nampa, Idaho 83686
467 6624
rcrogero@aol.com

Mr. Larry Williams
Tree Top Ranch
P. O. Box 8126
Boise, Id 83707
377 0998 Phone
Fax 377 1049

9/24/2007

Marshall, Aaron

From: Peppersack, Jeff
Sent: Monday, June 18, 2007 2:34 PM
To: 'Claudialee3@aol.com'
Subject: RE: To Mr. Bohner Attorney for Cris Williams

Claudia,
I received your faxed warranty deed. Looks like the covenants are referenced in the deed. The next thing to we'd need to know is the language used in the covenants to indicate that the water rights are reserved for the homeowners assoc. If the language indicates that the water rights were reserved for the HOA, then you could file a Notice to Change Ownership with the Dept. for the water right in the name of the HOA. Note that the water right also covers some adjacent land that Mr. Williams indicated was owned by BLM. The water right would need to be split to show the two owners.

Call me at 287-4948 if you have questions.

Jeff

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

From: Claudialee3@aol.com [mailto:Claudialee3@aol.com]
Sent: Monday, June 18, 2007 8:24 AM
To: Peppersack, Jeff
Subject: To Mr. Bohner Attorney for Cris Williams

Hi Jeff:

As indicated on the phone here is the letter I have sent to Mr. Bohner, attorney of Cris Williams, owner of DeerFlat 200 LLC- Deersky Ranch Subdivision located off Deer Flat above Rim Road Nampa, Idaho in Basin 63.

Thank you for your time and understanding on this issue.
As you indicated you are checking with staff to make sure this water is not in the Bank as the subdivision is using the water.

Thank you,
Claudia Haynes
461 2062
claudialee3@aol.com

See what's free at AOL.com.