

Amended
Cover letter
Received via E-mail
5/17/10



SPF WATER
ENGINEERING

May 14, 2010

John Westra
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Water Right Transfer No. 74776

Dear John,

The following letter and enclosures are in response to your letter dated February 18, 2010 regarding Lavada Louck's petition for reconsideration of the Department's preliminary approval of Transfer No. 74776 in the names of Dale and Jackie Van Es.

As stated in your letter, there has been some confusion regarding who has security interest in the property. The property in question was originally owned by Les and Lavada Loucks and covered with Snake River rights 2-7155, 2-7186 and 2-7461 and ground water right 57-2254. In 2004, a change in ownership was filed and the property and water rights were split between the Loucks and Van Es.

D. L. Evans Bank has a loan and security interest in the property that Loucks retained (57-2254, 2-10238, 2-10240 and 2-10242).

Wells Fargo Bank has a loan and security interest in the property split to Van Es (2-10239, 2-10241 and 2-10243).

Based on two Contracts of Sale between Loucks and Van Es, the Loucks continue to have security interest in some of the lands listed in a contract dated May 30, 2001, which describes the entire property prior to splits, and all of the lands listed in a contract dated March 13, 2006, which describes the property split to the Loucks.

To support final approval of Transfer No. 74776, attached are the following:

- Revised and signed Transfer Part 1 pages indicating Loucks and Van Es have agreed to become joint applicants.
- Copy of contract dated May 30, 2001.
- Copy of contract dated March 13, 2006.