

BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

RECEIVED

January 9, 2007

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WATER RESOURCES
WESTERN REGION

Jack Kane, President
PTR, Inc. #2 Irrigation Association
33 Spring Gulch Road
Garden Valley, ID 83622

Re: Certified Letter from Stuart Weimer (September 12, 2006)

Dear General Kane:

On behalf of PTR, Inc. #2 Irrigation Association (PTR, Inc. #2), I have reviewed the September 12, 2006 certified letter from Stuart Weimer. The letter was addressed to you and the other officers of PTR, Inc. #2 and included a December 17, 2004 Quit Claim Deed from Stuart R. Weimer and Rhonda J. Weimer to G. Kaye Smith.

The quitclaimed property includes 3.465 acres of the 161 acres of land entitled to delivery of irrigation water from Scriver Creek water rights 65-3222, 65-3223, and 65-8290.¹ The three Scriver Creek water rights are owned by PTR, Inc.² PTR, Inc. #2 delivers these water rights.³ The 3.456 acres of irrigated land correspond to 3.456 shares for delivery of water. By

¹ The Quit Claim Deed was for a Parcel "B" located within a portion of the northeast quarter of Section 27, Township 10 North, Range 4 East, Boise Meridian. Partial decrees from the Snake River Basin Adjudication (available in the public files of the Idaho Department of Water Resources) show three water rights from Scriver Creek, all owned by PTR, Inc., provide irrigation water to land within this Parcel "B": 65-3222, 65-3223, and 65-8290. The IDWR shapes files in the possession of PTR, Inc. #2 show that Parcel "B" accounts for 3.465 acres of the 161 acres irrigated by these three PTR, Inc. water rights.

² PTR, Inc.'s ownership of these water rights was confirmed in the May 25, 2005 Boise County District Court decision in *PTR, Inc. et al. v. Stuart R. Weimer* (Boise County Case No. CV 2004-192). See also, November 14, 1994 recorded deed from Pine Tree Ranch, Inc. to PTR, Inc., at page 2: "Included among the water rights hereby conveyed are the Grantors' right, claim and interest, if any, in and to the surface water rights described in the claims filed at the Idaho Department of Water Resources as Water Right Nos. 65-03221, 65-03222, 65-03223, 65-03224, 65-03225, and 65-08290."

³ January 18, 1998 Amendment to Bylaws of PTR, Inc. [Amendment replaces Article 3 of the original February 10, 1978 Bylaws of PTR, Inc.]

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comparison, Mr. Weimer's residence and adjacent property at 19 Spring Gulch Road have 2.185 irrigated acres/shares within the PTR, Inc. #2 delivery system.⁴

Mr. Weimer's letter requests certain actions by PTR, Inc. #2, premised on Mr. Weimer's ownership of the water rights for the property quitclaimed on December 17, 2004. However, as I explained above, PTR, Inc., owns water rights 65-3222, 65-3223, and 65-8290. Since Mr. Weimer has never owned the water rights for the quitclaimed property, either before or after the 2004 Quit Claim Deed was executed, appropriate responses to his letter are suggested below.

PTR, Inc. #2 should not allow Mr. Weimer to move 3.465 shares of water from the quitclaimed property to Mr. Weimer's property at 19 Spring Gulch Road, Garden Valley, Idaho. Mr. Weimer did not own the water rights for the quitclaimed property and therefore could not reserve those water rights to himself when he quitclaimed the property on December 17, 2004. The 3.465 shares of water remain with the property and the current owners of the property are entitled to delivery of that amount of irrigation water.

The December 17, 2004 Quit Claim Deed states, "the water rights appurtenant to [the property] . . . are reserved in the Grantors. . . ." The Grantors are Stuart R. Weimer and Rhonda J. Weimer, 19 Spring Gulch Road, Garden Valley, Idaho.

Mr. Weimer's September 12, 2006 letter states that he retained "the four and some odd acres of water rights" when he quitclaimed the six acres of land, and that the December 17, 2004 Quit Claim Deed reflects this transaction. The property referenced in the Quit Claim Deed is presently owned by Elizabeth and Roger Crandlemire. The IDWR files for 65-3222, 65-3223, and 65-8290 indicate 3.465 acres of irrigation for the same property.

PTR, Inc.'s ownership of Scriver Creek water rights 65-3222, 65-3223, and 65-8290 was confirmed by the 2005 Boise County Court decision in *PTR, Inc. et al. v. Stuart R. Weimer* (Boise County Case No. CV 2004-192). Mr. Weimer did not own these water rights and therefore could not have changed the location or ownership of any portion of the water rights. Elizabeth and Roger Crandlemire, the current owners of the property, have 3.465 shares for delivery of irrigation water from the PTR, Inc. #2 system.

PTR, Inc.'s ownership is also confirmed by July 19, 2004 and October 6, 2005 IDWR letters, both addressed to Mr. Weimer, concerning water rights 65-3222, 65-3223, and 65-8290. In these letters, IDWR twice concluded that Mr. Weimer has no ownership in these water rights that are owned by PTR, Inc.

⁴ This corresponds to the consolidated IDWR shape files for 65-3222, 65-3223, and 65-8290, in the possession of PTR, Inc. #2 and referenced in footnote 1.

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PTR, Inc. #2 should not proceed to file paperwork at IDWR for a permissible place of use for water rights 65-3222, 65-3223, and 65-8290 since it would involve moving shares which belong with the property owned by the Crandlemires.

Mr. Weimer asks PTR, Inc. #2 to file the appropriate paperwork at IDWR for a permissible place of use in order to move the "acres of water rights" from the property quitclaimed in 2004. It appears that Mr. Weimer wants to move these "water rights" to the property he currently owns at 19 Spring Gulch Road. As explained above, only the current owners of the quitclaimed property are entitled to delivery of the irrigation shares for that property. For this reason, PTR, Inc. #2 should not proceed to file for a permissible place of use at IDWR for water rights 65-3222, 65-3223, and 65-8290 that would involve moving irrigation shares from the quitclaimed property currently owned by the Crandlemires.

The IDWR shape files for PTR, Inc.'s Scriver Creek water rights 65-3222, 65-3223, and 65-8290 indicate that Mr. Weimer has 2.185 acres of irrigation associated with his property at 19 Spring Gulch Road. However, unless the shape file is changed by a transfer at IDWR pursuant to Idaho Code 42-222, Mr. Weimer must use this Scriver Creek water in accordance with the IDWR shape map for his property. That is, he may use the water only on the 2.185 acres shown on the IDWR shape file. I understand that Mr. Weimer uses a pressurized irrigation system to apply the Scriver Creek water to the 2.185 acres.

I understand that no other landowners entitled to delivery of Scriver Creek irrigation water by PTR, Inc. #2, are requesting to change the place of use for water rights 65-3222, 65-3223, and 65-8290.

To the extent Mr. Weimer's request to redo the IDWR shape file for water rights 65-3222, 65-3223, and 65-8290 is addressed to accounting for roads and building footprints, PTR, Inc. #2 may wait to take any action on such a request until the annual meeting in March 2007. At that time, a vote of the membership could decide whether to ask an engineer to determine if an accounting for roads and building footprints would change the current shape file for the PTR, Inc. water rights delivered by PTR, Inc. #2.

Since Mr. Weimer is entitled to only 2.185 acres of irrigation at 19 Spring Gulch Road, PTR, Inc. #2 should decline the request to restructure its irrigation schedule to accommodate 6.5 acres of irrigation by Mr. Weimer.

PTR, Inc. #2 has no record that Mr. Weimer irrigated with his pressurized irrigation system during 2006. In addition, Mr. Weimer has only 2.185 acres entitled to receive irrigation water from PTR, Inc.'s Scriver Creek water rights. The request that PTR, Inc. #2 restructure its irrigation schedule to accommodate Mr. Weimer's irrigation of 6.5 acres should be declined.

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The September 12, 2006 letter to PTR, Inc. #2 contradicts the Boise County judgment, IDWR's written responses, and the spirit of cooperation endorsed by Judge McKee and IDWR.

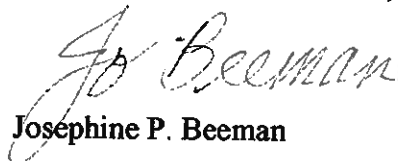
Finally, I note that Mr. Weimer's letters to IDWR and his September 12, 2006 letter to the officers of PTR, Inc. #2 ignore Judge McKee's Final Judgment that, "at the present time, there is no dispute that PTR, Inc. is the record owner of the water rights in question."

Consistent with that same judgment, IDWR has already advised Mr. Weimer that matters relating to "rotation, maintenance, and costs" are "internal factors of the delivery organization not within IDWR jurisdiction at this time." Hence, as IDWR has advised and as also noted by Judge McKee, the best approach is for the irrigators to work together to solve maintenance problems related to these water rights.

If PTR, Inc. #2 has additional questions, please let me know.

Sincerely,

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

JPB:ja
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cc: Steve Lester, IDWR
Elizabeth and Roger Crandlemire
Windermere Realty, c/o Marlo and Gary Glauser