

# HOFFSTETTER LAW OFFICE

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July 29, 2009

Angela M. Grimm  
Senior Water Resource Agent  
Western Region  
Idaho Department of Water Resources  
2734 Airport Way  
Boise, Idaho 83705-5082

RECEIVED

JUL 30 2009

WATER RESOURCES  
WESTERN REGION

Re: Application for Transfer No. 75674

Dear Ms. Grimm:

Your letter dated July 15, 2009, requested a signed copy of the Quitclaim Deed for the water right and well for Water Right No. 63-33146 or a credible explanation as to why the deed cannot be signed prior to transfer processing. This letter responds to those requests.

With regard to a deed covering the well for Water Right No. 63-33146, I would ask whether Attachment 2b to Application for Transfer No. 75674 would satisfy this request.

With regard to a signed copy of the Quitclaim Deed for Water Right No. 63-33146, the Release and Settlement Agreement (Attachment 3 to Application for Transfer No. 75674) provides in paragraph number 3 for an executed Quitclaim Deed covering this water right to be placed into escrow pending approval of this Transfer. An unsigned copy of this Quitclaim Deed is attached as Exhibit A to the Release and Settlement Agreement. The Release and Settlement Agreement provides in paragraph 6a for the signed Quitclaim Deed to be provided to the Troost Family Living Trust upon approval of the Transfer and issuance of SRBA Partial Decrees in conformance with the Transfer. Thus, the signed Quitclaim Deed for Water Right No. 63-33146 is currently in

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escrow. I could obtain a statement from the escrow agent confirming this. Alternatively, I could request from John Lindley's attorney, Jon Gould, that the escrow agent be authorized to provide IDWR a copy of the signed Quitclaim Deed, if it is necessary.

Please let me know how you would like to proceed in regard to this matter. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

A handwritten signature in black ink, appearing to read "Dana Hofstetter", written over a horizontal line.

Dana L. Hofstetter

4096.1/8660

cc: Jon Gould