

Rushing, Emalee

From: Rushing, Emalee
Sent: Tuesday, October 14, 2008 9:26 AM
To: 'Peter Smith'
Subject: RE: Memo on Big Sky HOA Water Rights

Mr. Smith

After consideration of the documents submitted and legal review of the issue, the Department's position is that it appears that the water right was conveyed as an appurtenance to each lot owner. This is based on past experience with deeds that convey the delivery system but retained the water right, and deeds that conveyed both the delivery system and the water right. To change ownership to the HOA, the lot owners could convey their interest, possibly through a quit claim deed, to the HOA.

If you need further assistance, please feel free to call me at 208-287-4952.

Thank you,
Emalee Rushing

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

From: Peter Smith [mailto:psmith@lukins.com]
Sent: Saturday, October 11, 2008 9:34 PM
To: Rushing, Emalee
Subject: Re: Memo on Big Sky HOA Water Rights

Emalee,

I am following up on the email I sent to you on September 24, 2008. Could you let me know when you think we will get a response? Thank you.

Peter J. Smith IV
Attorney at Law
Lukins & Annis, P.S.
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F 208.664.4125

>>> Peter Smith 9/24/2008 9:11 AM >>>
Emalee,

This email follows up our telephone conversation earlier this week. Attached is a memorandum prepared by this office presenting the evidence establishing Water Right No. 95-2162 in Big Sky Estates Owner's Association, Inc. I welcome your response.

Peter J. Smith IV
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