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Documents
In File

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MAR 26 2004

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-11476					

2. The following REQUIRED information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts.
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) CHARLES R. LARKIN
P.O. BOX 767, PICABO, IDAHO 83348
4. New Owner/Claimant(s) CHARLES T. FOLEY
Name Connector (Check one): ☐ and ☐ or ☒ and/or
- New Mailing Address 1 East End Ave.
New York, N.Y. 10021
- City, State and ZIP Code
- New Telephone Number
5. Date you acquired the property

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Southern Region

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Department of Water Resources

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s): Phil J. John X
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u>[Signature]</u>	Date <u>1/5/04</u>	Fee <u>25.00</u>	
Received by <u>[Signature]</u>	Date <u>1/5/04</u>	Receipt No. <u>5026359</u>	
Processed by <u>AI</u>	Date _____	WR _____	Date _____

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Department of Water Resources

AFTER RECORDING MAIL TO:

FIRST AMERICAN TITLE COMPANY
1500 S. WASHINGTON, SUITE B
EMMETT, IDAHO 83617

Instrument # 492028

HAILEY, BLAINE, IDAHO

2003-09-24 03:35:00 No. of Pages: 8

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 24.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

QUITCLAIM DEED

File No.: **4104-181304 (JA)**

Date: **August 26, 2003**

For Value Received, **LARRY A. NEVITT, TEMPORARY CONSERVATOR OF CHARLES R. LARKIN, AN UNMARRIED MAN, AS TO AN UNDIVIDED 1/2 INTEREST AND LARRY A. NEVITT, TEMPORARY CONSERVATOR OF CHARLES R. LARKIN AND PAUL BEER, TRUSTEES OF THE TRUST OF CHARLES R. LARKIN CREATED UNDER THE WILL OF GIOIA B. LARKIN DATED OCTOBER 8, 1980, AS TO AN UNDIVIDED 1/2 INTEREST**, do(es) hereby convey, release, remise, and forever quit claim unto **CHARLES T. FOLEY, a married man**, whose address is **C/O EASTABROOK CAPITAL MANAGEMENT 430 PARK AVENUE, NEW YORK, NEW YORK 10022**, the following described premises in **Blaine County, Idaho**, to-wit:

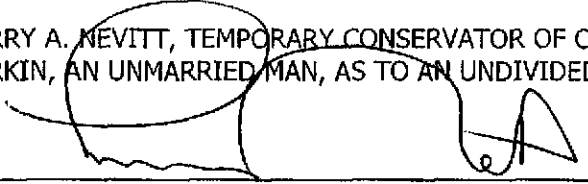
WATER RIGHTS AS DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

APN: **01S190141380**

together with their appurtenances.

Dated: **AUGUST 26, 2003**

LARRY A. NEVITT, TEMPORARY CONSERVATOR OF CHARLES R. LARKIN, AN UNMARRIED MAN, AS TO AN UNDIVIDED 1/2 INTEREST


BY: **LARRY A. NEVITT, TEMPORARY CONSERVATOR**

I hereby certify this to be a true
and exact copy of the original.
FIRST AMERICAN TITLE CO.

By: 

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APR 21 2004

LARRY A. NEVITT, TEMPORARY CONSERVATOR OF CHARLES R. LARKIN AND PAUL BEER, TRUSTEES OF THE THE TRUST OF CHARLES R. LARKIN CREATED UNDER THE WILL OF GIOIA B. LARKIN DATED OCTOBER 8, 1980, AS TO AN UNDIVIDED 1/2 INTEREST

BY: LARRY A. NEVITT, TEMPORARY CONSERVATOR

BY: PAUL BEER, TRUSTEE

STATE OF Arizona)
)
) ss.
COUNTY OF Maricopa)

On this 28 day of August, 2003 before me, a Notary Public in and for said State, personally appeared **LARRY A. NEVITT**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TEMPORARY CONSERVATOR** of **CHARLES R. LARKIN**, and acknowledged to me that he/she/they executed the same as such.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Arizona
Residing at: Phoenix, Arizona
My Commission Expires:



Notary Public State of Arizona
Maricopa County
Greg D Rolles
Expires June 25, 2006

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APR 21 2004

LARRY A. NEVITT, TEMPORARY CONSERVATOR OF CHARLES R. LARKIN AND PAUL BEER, TRUSTEES OF THE THE TRUST OF CHARLES R. LARKIN CREATED UNDER THE WILL OF GIOIA B. LARKIN DATED OCTOBER 8, 1980, AS TO AN UNDIVIDED 1/2 INTEREST

BY: LARRY A. NEVITT, TEMPORARY CONSERVATOR

Paul Rees

BY: PAUL BEER, TRUSTEE

STATE OF)
SS.)
COUNTY OF)

On this _____ day of _____, 2003 before me, a Notary Public in and for said State, personally appeared **LARRY A. NEVITT**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TEMPORARY CONSERVATOR** of **CHARLES R. LARKIN**, and acknowledged to me that he/she/they executed the same as such .

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of
Residing at: ,
My Commission Expires:

MICROFILMED
APR 21 2004

STATE OF

Arizona

)

ss.

COUNTY OF

Maricopa

)

On this 28 day of August, 2003 before me, a Notary Public in and for said State, personally appeared **LARRY A. NEVITT**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TEMPORARY CONSERVATOR** of **CHARLES R. LARKIN, TRUSTEE OF THE TRUST OF CHARLES R. LARKIN**, and acknowledged to me that he/she/they executed the same as such.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Arizona
Residing at: Phoenix Arizona
My Commission Expires:

STATE OF

)

ss.

COUNTY OF

)



Notary Public State of Arizona
Maricopa County
Greg D Rolles
Expires June 25, 2006

On this _____ day of _____, 2003 before me, a Notary Public in and for said State, personally appeared **PAUL BEER**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TRUSTEE** of **CHARLES R. LARKIN TRUST**, and acknowledged to me that he/she/they executed the same as such.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of
Residing at: ,
My Commission Expires:

STATE OF

)
SS.

COUNTY OF

)

On this _____ day of _____, 2003 before me, a Notary Public in and for said State, personally appeared **LARRY A. NEVITT**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TEMPORARY CONSERVATOR** of **CHARLES R. LARKIN, TRUSTEE OF THE TRUST OF CHARLES R. LARKIN**, and acknowledged to me that he/she/they executed the same as such.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of

Residing at: ,

My Commission Expires:

STATE OF **MICHAEL SEABORN**
Barrister & Solicitor, Notary Public
Box 70, 1488 Beach Drive
COUNTY OF Port McNeill, B.C. V0N 2R0
956-3358 949-8533

On this 2 day of SEPT, 2003 before me, a Notary Public in and for said State, personally appeared **PAUL BEER**, known or identified to me to be the person whose name is subscribed to the within instrument as the **TRUSTEE** of **CHARLES R. LARKIN TRUST**, and acknowledged to me that he/she/they executed the same as such.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

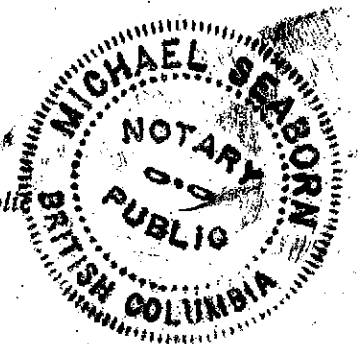
M. Seaborn

Notary Public for the State of

Residing at: ,

My Commission Expires:

MICHAEL SEABORN
Barrister & Solicitor, Notary Public
Box 70, 1488 Beach Drive
Port McNeill, B.C. V0N 2R0
956-3358 949-8533



Date: **August 26, 2003**

File No.: **4104-181304 (JA)**

LEGAL DESCRIPTION:

Parcel I

A Parcel of land located in Section 14 Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, being more particularly described as follows:

Commencing at a Brass Cap which marks the S.W. Corner of said Section 14; thence North 0°08'37" West along the West Boundary of said Section 14, 88.22 feet to the Northerly Right-of-Way of State Highway No. 20, said point being the Real Point of Beginning, thence North 00°08'37" West 2566.63 feet to the W1/4 of said Section 14; thence North 89°42'41" East 3954.85 feet to the Northeast Corner of the W1/2 of the SE1/4 of said Section 14; thence South 00°10'34" East along the Easterly Boundary of said W1/2 SE1/4, 2585.48 feet to the Northerly Right of Way of State Highway No. 20; thence along said Northerly Right of Way South 89°59'04" West 3523.31 feet; thence leaving said Northerly Right of Way, North 00°08'24" West 120.72 feet; thence South 89°51'36" West 208.00 feet; thence South 00°08'24" East 120.27 feet to the Northerly Right of Way of State Highway No. 20; thence along said Northerly Right of Way, South 89°59'04" West 225.00 feet to the Real Point of Beginning.

Parcel II

A Parcel of land located in Section 14 Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, being more particularly described as follows:

Commencing at a Brass Cap which marks the S.W. Corner of said Section 14; thence North 00°08'37" West along the West boundary of said Section 14, 88.22 feet to the Northerly right of Way of State Highway No. 20, thence; North 89°59'04" East, along said Northerly Right of Way, 225.00 feet to the Real Point of Beginning, thence North 00°08'24" West 120.27 feet; thence North 89°51'36" East 208.00 feet; thence South 00°08'24" East 120.72 feet to said Northerly Right of Way; thence South 89°59'04" West along said Northerly Right of Way 208.00 feet to the Real Point of Beginning.

Initials: AB

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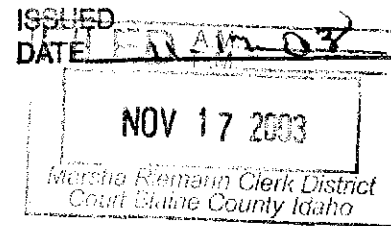
APR 21 2004

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Department of Water Resources

Nancy L. Callahan
Idaho State Bar #4884
LAW OFFICES OF NANCY L. CALLAHAN
101 Canal Street
Emmett, Idaho 83617
Telephone: (208) 365-1200
Facsimile: (208) 365-1646

Attorneys for Charles R. Larkin



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

IN THE MATTER OF THE GUARDIANSHIP	)	CASE NO. SP03-03222
AND CONSERVATORSHIP OF:	)	
	)	LETTERS OF LIMITED
CHARLES R. LARKIN,	)	CONSERVATORSHIP
	)	
An Alleged Incapacitated Person.	)	
	)	
_____	)	

LARRY A. NEVITT, having been previously duly appointed and qualified as Temporary Conservator of the Estate of CHARLES R. LARKIN on the 6th day of August 2003, by the Court with all authority pertaining thereto.

Based upon the record before the Court and the Stipulation of the parties entered into herein, and GOOD CAUSE APPEARING THEREFOR,

IT IS HEREBY ORDERED that LARRY A. NEVITT is hereby duly appointed and qualified as Limited Conservator of the estate of CHARLES R. LARKIN effective the 29th day of September 2003, with all authority as set forth in Idaho Code 15-5-408 and Idaho Code 15-5-424 thereto. The authority of the Conservator is primarily for, but is not limited to, the following:

1. Supervising the financial affairs and paying from his funds the reasonable and necessary

LETTERS OF LIMITED CONSERVATORSHIP - PAGE 1

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APR 21 2004

- expenses incurred by CHARLES R. LARKIN for his care and maintenance;
2. Making deposits and/or withdrawals from CHARLES R. LARKIN'S bank accounts and/ or other investment accounts in his capacity as conservator for CHARLES R. LARKIN'S living and medical expenses;
 3. Consulting with CHARLES R. LARKIN regarding the purchase or sale of major assets;
 4. Participating in decisions with the Limited Co-Guardians in order to eliminate any disputes between the Limited Co-Guardians;

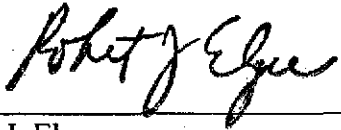
The Conservator shall, to the extent reasonably possible as contemplated by Idaho Code § 15-5-303 and in accordance with his duties under Idaho Code §§ 15-5-408 and 15-5-424:

1. Make readily available to Charles R. Larkin the approximate sum of \$100,000.00 at all times;
2. Allow Charles R. Larkin to make decisions about the sale, gift or purchase of assets;

After notice to all interested parties and a hearing as required by law and upon a proper showing, the Conservator may be authorized by the Court to complete a transaction or make a decision that is otherwise reserved to CHARLES R. LARKIN.

These Limited Letters of Conservatorship are issued to evidence the appointment, qualification and authority of said Conservator.

WITNESS, my signature and the seal of this Court this 14 day of ^{Nov.} ~~October~~ 2003.


Robert J. Elgee,
Magistrate Judge

STATE OF IDAHO } ss
County of Blaine

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

IN WITNESS THEREOF, I have hereunto set my hand and affixed by official seal.

this 14 day of Nov. 2003

MARSHA RIEMANN
Clerk of Court

LETTERS OF LIMITED CONSERVATORSHIP - PAGE 2

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APR 21 2004

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 37-11476

NAME AND ADDRESS: CHARLES R LARKIN
GIOIA B LARKIN
PO BOX 767
PICABO, ID 83348

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/31/1917

POINT OF DIVERSION: T01S R19E S14 SWNWSW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

PLACE OF USE:	Stockwater		Within Blaine County
	T01S R19E S14	NWSW	
	Domestic		Within Blaine County
	T01S R19E S14	NWSW	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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MAY 17 2004

LAWSON & LASKI, PLLC
ATTORNEYS AT LAW

Edward A. Lawson
eal@LawsonLaski.com

Department of Water Resources
875 SUN VALLEY ROAD, SUITE A
POST OFFICE BOX 3310
KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
WWW.LAWSONLASKI.COM

May 11, 2004

Ms. Kari Lynn Townsend
Idaho Department of Water Resources
1301 N. Orchard Street
Post office Box 83720
Boise, Idaho 83720-0098

Re: *Charles T. Foley/Change of Ownership of Water Right 37-11476*
Our File No. 32370-005

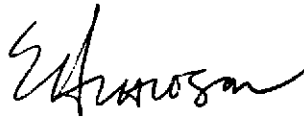
Dear Ms. Townsend:

Enclosed is a copy of an April 6, 2004 letter to me from Lawrence A. Nevitt, CPA, which I received on May 5, 2004 together with a copy of the Last Will and Testament and Codicil of Mrs. Larkin. I believe that you now have all of the documentation requested before completing the transfer of water rights. If there is anything further that you need let me know.

Thank you in advance for your assistance in this matter.

Sincerely,

LAWSON & LASKI, PLLC



Edward A. Lawson

Cc; client

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JUN 02 2004



NEVITT OLEKSY & ASSOCIATES, LTD.
CERTIFIED PUBLIC ACCOUNTANTS AND ADVISORS

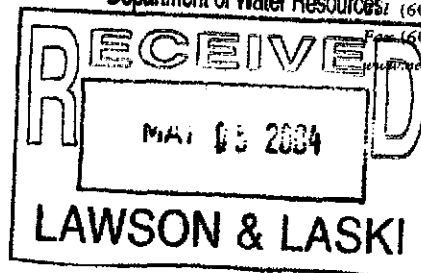
Lawrence A. Nevitt, C.P.A.
Gregory D. Rolfes, C.P.A.

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MAY 17 2004

2001 West Camelback Road #240
Phoenix, Arizona 85015

Department of Water Resources



(602) 973-7000
Fax (602) 973-0010
www.nevittoleksy.com

April 6, 2004

Edward A. Lawson
Lawson & Laski, PLLC
675 Sun Valley Road, Suite A
Ketchum, Idaho 83340

Re: Charles Foley/Larkin Ranch
Your file no. 32370-005

Dear Mr. Lawson:

In response to your letter dated March 16, 2004, please find enclosed a copy of Mrs. Larkin's last will and testament and a codicil to her last will and testament.

Sorry for the delay in getting this to you, but it caught me in the middle of a tax season. If you need additional information, do not hesitate to contact me.

Sincerely,

Lawrence A. Nevitt, CPA
NEVITT, OLEKSY & ASSOCIATES, LTD.
Certified Public Accountants and Advisors

Enclosures

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JUN 02 2004

Member Arizona Society of
Certified Public Accountants

LAWSON & LASKI, PLLC
ATTORNEYS AT LAW

Edward A. Lawson
eal@LawsonLaski.com

675 SUN VALLEY ROAD, SUITE A
POST OFFICE BOX 3310
KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
WWW.LAWSONLASKI.COM

March 16, 2004

Mr. Larry Nevitt
Nevitt, Olesksy & Associates
2001 West Camelback Road, Suite 240
Phoenix, Az. 85015

Re: *Charles Foley/Larkin Ranch*
Our File No. 32370-005

Dear Mr. Nevitt:

I represent Charles T. Foley, the purchaser of the Larkin Ranch in Blaine County, Idaho. In order to complete the transfer of ownership of the Water Rights sold with the real property we need to provide the Idaho Department of Water Resources with a copy of the trust created under the Will of Gioia Larkin. William Lee gave me your name and address as a source for the document.

Is a copy of the Will with the trust provision something that you can provide to me? I would appreciate knowing either way. If there is any cost we would be happy to reimburse you.

Thank you in advance for your anticipated cooperation.

Sincerely,

LAWSON & LASKI, PLLC



Edward A. Lawson

Cc: client

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JUN 02 2004

CODICIL TO
LAST WILL AND TESTAMENT
OF
GIOIA B. LARKIN

KNOW ALL MEN BY THESE PRESENTS:

I, GIOIA B. LARKIN, a resident of Maricopa County, Arizona, make this Codicil to my Last Will and Testament dated October 30, 1980.

FIRST: I hereby revoke article SECOND and insert in lieu thereof the following:

"SECOND: My husband's name is CHARLES R. LARKIN, and he is herein referred to as "my husband." I have two children by a previous marriage, namely: WILLIAM HENRY GRINDITCH III and GLORIA GIOIA GRINDITCH. I have three children as issue of my present marriage, namely: MARK LARKIN; MATTHEW LARKIN; and SEAN LARKIN. All references herein to my child, children, descendants, or my issue shall include the above and shall also include GEOFFREY LEE LARKIN, the son of my husband, CHARLES R. LARKIN, by his former marriage.

I intend by this Will to dispose of my separate property and with respect to the property owned by my husband and myself in community at the time of my death, it is my intention by this Will to dispose of only my one-half share therein."

SECOND: I hereby revoke article FOURTH and insert in lieu thereof the following:

"FOURTH: If my husband survives me, I give to him a pecuniary amount equal to the value of the residue of


Testatrix

MICROFILMED

JUN 02 2004

my estate reduced by the largest amount which could be allocated to the trust provided in article FIFTH hereof, without creating or increasing any federal estate tax obligation upon my estate.

The determination of whether a federal estate tax could be created or increased under the terms of the previous paragraph shall be made by reducing any tax calculated by the amount of the unified credit available to my estate. For calculation purposes generation-skipping tax shall not be classified as estate tax.

In determining the amount of the pecuniary transfer to my husband under this section, the final determination of values in the federal estate tax proceeding in my estate shall control, but, for purposes of allocation of property and satisfaction of the pecuniary transfer, values determined at the time of allocation shall be used. Only property which qualifies for the marital deduction shall be allocated to my husband."

THIRD: I hereby revoke the introductory paragraph of article FIFTH and insert in lieu thereof:

"FIFTH: The balance of my estate I give to my Trustees hereinafter named. The trust property shall be held and disposed of as follows:"

FOURTH: I hereby revoke Section 1 of article FIFTH and insert in lieu thereof:

"SECTION 1: If my husband survives me, then commencing with my death the Trustee shall pay the income from the Trust in convenient installments, at least quarterly to him during his lifetime.


Testatrix

The Trustee may also pay to my husband such sums from principal as the Trustee deems necessary or advisable from time to time for his health and maintenance in reasonable comfort, and for the health, support and reasonable comfort, and education (including postgraduate) of any child of mine who may be dependent upon him, considering the income of each of them from all sources known to the Trustee. No payment made for a child of mine shall be charged against the share hereinafter provided for the child or his or her descendants."

FIFTH: I hereby revoke Section 2 of article FIFTH and insert in lieu thereof the following:

"SECTION 2: Upon the death of my husband or upon my death if my husband does not survive me, the Trustee shall divide the Trust into equal shares to create one share for each then living child of mine and one share for the living descendants, collectively, of each deceased child of mine.

Each share created for the descendants of a deceased child shall be distributed per stirpes to such descendants, subject to postponement of possession as provided below. Each share created for a living child shall be held as a separate trust and disposed of as hereinafter provided."

SIXTH: I hereby revoke Section 4 of article FIFTH and insert in lieu thereof the following:

"SECTION 4: After division of the Trust into shares and after a child has reached the age of 30 years, he or she may withdraw any part or all of the principal of his


Testatrix

or her share at any time or times. Payments shall be made without question upon the child's written request. The right of withdrawal shall be a privilege which may be exercised only voluntarily and shall not include an involuntary exercise."

SEVENTH: I hereby revoke Section 6 of article FIFTH and insert in lieu thereof the following:

"SECTION 6: Upon the death of a child any part of his or her share not effectively appointed shall be distributed per stirpes to his or her then living descendants, or if none, then per stirpes to my then living descendants, subject to postponement of possession as provided below, except that each portion otherwise distributable to a descendant of mine for whom a share of the Trust is then held hereunder shall be added to that share."

EIGHTH: I hereby revoke Section 7 of article FIFTH and insert in lieu thereof the following:

"SECTION 7: Each share of the Trust which is distributable to a descendant who has not reached the age of 21 years shall immediately vest in the descendant, but the Trustee shall (a) establish therewith a custodianship for the descendant under a Uniform Gift to Minors Act, or (b) retain possession of the share as a separate trust until the descendant reaches the age of 21 years, meanwhile paying to or for the benefit of the descendant so much or all of the income and principal of the share as the Trustee deems necessary or advisable from time to time for his or her health, maintenance in reasonable comfort, education (including postgraduate) and best interests, and adding to principal any income not so paid.


Testatrix

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JUN 02 2004

NINTH: I hereby revoke Section 10 of article SIXTH and insert in lieu thereof the following:

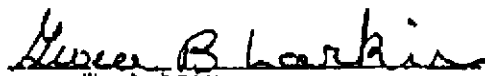
"SECTION 10: I appoint my husband, CHARLES R. LARKIN, and my attorney, PAUL BEER, as my Trustee. If either of them fail or cease to act in such capacity, then the survivor may continue as my sole Trustee, or, in his discretion may cause a second person to act as Co-Trustee, without bond.

Any Trustee may resign at any time by written notice to the Co-Trustee then serving. A successor Co-Trustee may be appointed in accordance with the foregoing paragraph.

Every successor Trustee shall have all the powers given the originally named Trustee. No successor Trustee shall be personally liable for any act or omission of any predecessor. With the approval of the beneficiary or a majority in interest of the beneficiaries then entitled to receive or have the benefit of the income from the trust, a successor Trustee may accept the account rendered and the property received as a full and complete discharge to the predecessor Trustee without incurring any liability for so doing.

No Trustee wherever acting shall be required to give bond or surety or be appointed by or account for the administration of any trust to any court.

When the context so requires, the masculine, feminine and neuter genders shall be used interchangeably, and the singular shall include the plural and vice versa.


Testatrix

A Trust shall not participate in the exercise of any tax election which affects his interest or the interest of any person to whom he is legally obligated or any discretion to determine the propriety or amount of payment or distributions of income of principal to himself or to any person to whom he is legally obligated, or possess any of the incidents of ownership with respect to any policy of insurance on his life, and the other Trustee then serving shall exercise that tax election or discretion and possess those incidents of ownership."

TENTH: I hereby revoke Section 11 of article SIXTH in its entirety and renumber Section 12 of article SIXTH as Section 11.

ELEVENTH: I hereby revoke the first paragraph of the present article SEVENTH and insert in lieu thereof the following:

"I appoint my husband CHARLES R. LARKIN, as my Personal Representative. If he fails to act for any reason, I appoint PAUL BEER as my Personal Representative.

I give my Personal Representative the same powers which I have granted the Trustee as to the administration and investment of the trust property, to be exercised without any authorization by any court. No bond or security shall be required of any Personal Representative wherever acting.

If at my death any trust under this Will has become executed, my Personal Representative shall make distribution to the beneficiary without the intervention of the Trustee."


Testatrix

TWELFTH: In all other respects, I confirm and republish my said Will and any presently valid Codicils thereto.

I, GIOIA B. LARKIN, the Testatrix, sign my name to this, a Codicil to my Will dated October 30, 1980, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as a Codicil to my Last Will and Testament dated October 30, 1980, and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Gioia B Larkin
Testatrix

We, William A. Lee and Dennis Gibala, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as a Codicil to her Last Will and Testament dated October 30, 1980, and that she signs it willingly, and that each of us, in the presence and hearing of the Testatrix, hereby signs this Codicil as witness to the Testatrix' signing, and that to the best of our knowledge, the Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

William A. Lee
Witness

Dennis Gibala
Witness

STATE OF IDAHO)
County of Blaine (Idaho)) ss.

SUBSCRIBED, SWORN TO and acknowledged before me by
GIOIA B. LARKIN, the Testatrix, and subscribed and sworn to
before me by William L. Lee and Dennis Nichols, the
witnesses, this 30th day of July, 1982.

[Signature]
Notary Public

My Commission Expires:

5/15/86

LAST WILL AND TESTAMENT

OF

GIOIA B. LARKIN

KNOW ALL MEN BY THESE PRESENTS:

I, GIOIA B. LARKIN, of Phoenix, Arizona, make this my Will and revoke all prior Wills and Codicils.

FIRST: My personal representative shall pay all funeral expenses, costs of administration including ancillary, costs of safeguarding and delivering bequests, and other proper charges against my estate. My personal representative shall pay from the residue of my estate all estate and inheritance taxes assessed by reason of my death, except that the amount, if any, by which the estate and inheritance taxes shall be increased as a result of the inclusion of property over which I may have power of appointment shall be paid by the person holding or receiving that property. Interest and penalties concerning any tax shall be paid and charged in the same manner as the tax. I waive for my estate all rights of reimbursement for any payments made pursuant to this article.

My personal representative's selection of assets to be sold to make the foregoing payments and the tax effects thereof, shall not be subject to question by any beneficiary.

My personal representative shall make such elections under the tax laws as my personal representative deems advisable, without regard to the relative interests of the beneficiaries, and no adjustment shall be made between principal and income or in the interests of the beneficiaries to compensate for the effect of those elections.

Gioia B. Larkin
Testatrix

MICROFILMED

JUN 02 2004

SECOND: My husband's name is CHARLES R. LARKIN, and he is herein referred to as "my husband." I have two children by a previous marriage, namely: WILLIAM HENRY GRIMDITCH III; and GLORIA GIOIA GRIMDITCH. I have three children as issue of my present marriage, namely: MARK LARKIN; MATTHEW LARKIN; and SEAN LARKIN.

I intend by this Will to dispose of my separate property and with respect to the property owned by my husband and myself in community at the time of my death, it is my intention by this Will to dispose of only my one-half share therein.

THIRD: I give all my personal and household effects, automobiles and collections, and any insurance policies thereon, in accordance with a written statement which I shall have prepared prior to my death in conformity with Arizona law. My personal representative may assume that no written statement exists if none is found within 30 days after admission of this Will to probate. Except as otherwise provided in any such statement, I give the aforementioned property to my husband if he survives me by 30 days, otherwise to my children who so survive me to be divided equally among them as they agree. My personal representative shall sell any property as to which there is no agreement within 180 days after admission of this Will to probate and shall add the proceeds to the residue of my estate.

FOURTH: If my husband survives me, I give to my Trustees hereinafter named, as Trustee:

(a) A pecuniary amount equal to the maximum marital deduction allowable to my estate for Federal estate

Gloria B Larkin
Testatrix

MICROFILMED

-2-

JUN 02 2004

tax purposes, less the aggregate amount of marital deductions, if any, allowed for interests in property passing or which have passed to my husband otherwise than by the terms of this article. My husband shall be deemed to have survived me if he and I die under such circumstances that there is no sufficient evidence that we died otherwise than simultaneously.

My personal representative shall select and distribute to the Trustee the cash, securities and other property, including real estate and interests therein, which shall constitute the pecuniary amount, employing for the purpose values current at the time or times of distribution. No asset or proceeds of any asset shall be selected as to which a marital deduction is not allowable.

I intend that the pecuniary amount shall qualify for the Federal estate tax marital deduction.

Unproductive property shall not be held as an asset of the trust for more than a reasonable time during the lifetime of my husband without his written consent. The trust shall be designated "Trust A" and shall be held and disposed of as follows:

SECTION 1: Commencing with my death the Trustee shall pay the income from Trust A in convenient installments, at least quarterly, to my husband during his lifetime.

The Trustee may also pay to my husband such sums from principal as the Trustee deems necessary or advisable from time to time for his health, maintenance in reasonable comfort and best interests, considering his income from all sources known to the Trustee.


Testatrix

SECTION 2: Upon the death of my husband the principal and any accrued and undistributed income of Trust A shall be held in trust hereunder or distributed to or in trust for such appointee or appointees (including the estate of my husband), with such powers and in such manner and proportions as he may appoint by his Will making specific reference to this power of appointment.

SECTION 3: Upon the death of my husband any part of the principal and accrued income of Trust A not effectively appointed shall be added to Trust B, except that, unless my husband directs otherwise by his Will, the Trustee shall first pay from the principal of Trust A, directly or to my husband's personal representative as the Trustee deems advisable, the amount by which the estate and inheritance taxes assessed by reason of the death of my husband shall be increased as a result of the inclusion of Trust A in his estate for such tax purposes. My personal representative's selection of assets to be sold to make the foregoing payments or to satisfy any pecuniary devises, and the tax effects thereof, shall not be subject to question by any beneficiary.

FIFTH: All the residue of my estate, wherever situated, including lapsed devises, but expressly excluding any property over which I may have power of appointment at my death, I give to my Trustees hereinafter named, as Trustee. The trust shall be designated "Trust B" and shall be held and disposed of as follows:

SECTION 1: If my husband survives me, then commencing with my death the Trustee shall pay the income from Trust B in convenient installments, at least quarterly to him during his lifetime.

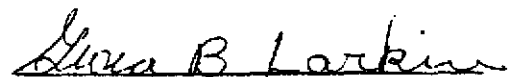

Testatrix

The Trustee may also pay to my husband such sums from principal as the Trustee deems necessary or advisable from time to time for his health and maintenance in reasonable comfort, and for the health, support in reasonable comfort, and education (including postgraduate) of any child of mine who may be dependent upon him, considering the income of each of them from all sources known to the Trustee, but shall make no invasion of Trust B for my husband so long as any readily marketable assets remain in Trust A. No payment made for a child of mine shall be charged against the share hereinafter provided for the child or his or her descendants.

SECTION 2: Upon the death of my husband or upon my death if my husband does not survive me, the Trustee shall divide Trust B, including any amounts added thereto from Trust A, into equal shares to create one share for each then living child of mine and one share for the then living descendants, collectively, of each deceased child of mine.

Each share created for the descendants of a deceased child shall be distributed per stirpes to such descendants, subject to postponement of possession as provided below. Each share created for a living child shall be held as a separate trust and disposed of as hereinafter provided.

SECTION 3: The income from a child's share shall be paid in convenient installments, at least quarterly, to the child until complete distribution of the share or his or her prior death.

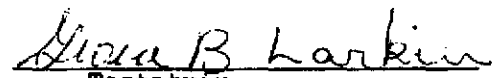

Testatrix

SECTION 4: After division of Trust B into shares and after a child has reached the age of 30 years, he or she may withdraw any part or all of the principal of his or her share at any time or times. Payments shall be made without question upon the child's written request. The right of withdrawal shall be a privilege which may be exercised only voluntarily and shall not include an involuntary exercise.

SECTION 5: If a child dies before receiving his or her share in full, then upon the child's death his or her share shall be held in trust hereunder or distributed to or in trust for such appointee or appointees, with such powers and in such manner and proportions as the child may appoint by his or her Will making specific reference to this power of appointment, except that any part of the child's share not subject to withdrawal prior to the child's death may be appointed only to or for the benefit of any one or more of the child's surviving spouse, the child's descendants and my descendants.

SECTION 6: Upon the death of a child any part of his or her share not effectively appointed shall be distributed per stirpes to his or her then living descendants, or if none, then per stirpes to my then living descendants, subject to postponement of possession as provided below, except that each portion otherwise distributable to a descendant of mine for whom a share of Trust B is then held hereunder shall be added to that share.

SECTION 7: Each share of Trust B which is distributable to a descendant who has not reached the age of


Testatrix

21 years shall immediately vest in the descendant, but the Trustee shall (a) establish therewith a custodianship for the descendant under a Uniform Gifts to Minor Act, or (b) retain possession of the share as a separate trust until the descendant reaches the age of 21 years, meanwhile paying to or for the benefit of the descendant so much or all of the income and principal of the share as the Trustee deems necessary or advisable from time to time for his or her health, maintenance in reasonable comfort, education (including postgraduate) and best interests, and adding to principal any income not so paid.

SIXTH: The following provisions shall apply to the trust estate and to each trust under this Will:

SECTION 1: If income or discretionary amounts of principal become payable to a minor or to a person under legal disability or to a person not adjudicated incompetent but who, by reason of illness or mental or physical disability, is in the opinion of the Trustee unable properly to manage his or her affairs, then such income or principal shall be paid or expended only in such of the following ways as the Trustee deems best: (a) to the beneficiary directly; (b) to the legally appointed guardian or conservator of the beneficiary; (c) to a custodian for the beneficiary under a Uniform Gifts to Minors Act; (d) by the Trustee directly for the benefit of the beneficiary; (e) to an adult relative or friend in reimbursement for amounts properly advanced for the benefit of the beneficiary.

SECTION 2: The interests of beneficiaries in principal or income shall not be subject to the claims of any creditor, any spouse for alimony or support, or others, or


Testatrix

to legal process, and may not be voluntarily or involuntarily alienated or encumbered. This provision shall not limit the exercise of any power of appointment.

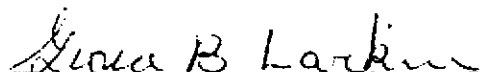
SECTION 3: Income received after the last income payment date and undistributed at the termination of any estate or interest shall, together with any accrued income, be paid by the Trustee as income to the persons entitled to the next successive interest in the proportions in which they take that interest.

SECTION 4: Anything herein provided to the contrary notwithstanding, no beneficiary who is also a Trustee hereunder shall participate in any discretionary decision relating to his or her distributive share of principal or income. In any such case, the decision of the other Trustee or Trustees shall control.

SECTION 5: For convenience of administration or investment, the Trustee may hold the several trusts as a common fund, dividing the income proportionately among them, assign undivided interests to the several trusts, and make joint investments of the funds belonging to them. The Trustee may consolidate any separate trust with any other trust with similar provisions for the same beneficiary or beneficiaries.

SECTION 6: The Trustee shall hold, manage, care for and protect the trust property and shall have the following powers and, except to the extent inconsistent herewith, those now or hereafter conferred by law:

(a) To retain property (including stock of any corporate Trustee hereunder or of a parent or affiliate


Testatrix

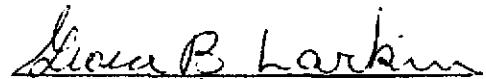
company) originally constituting the trust or subsequently added thereto, although not of a type, quality or diversification considered proper for trust investments;

(b) To invest and reinvest the trust property in bonds, stocks, mortgages, notes or other property of any kind, real or personal, suitable for the investment of trust funds;

(c) To cause any property, real or personal, belonging to the trust to be held or registered in the Trustee's name or in the name of a nominee or in such other form as the Trustee deems best without disclosing the trust relationship;

(d) To vote in person or by general or limited proxy, or refrain from voting, any corporate securities for any purpose, except that any security as to which the Trustee's possession of voting discretion would subject the issuing company or the Trustee to any law, rule or regulation adversely affecting either the company or the Trustee's ability to retain or vote company securities, shall be voted as directed by the beneficiaries then entitled to receive or have the benefit of the income from the trust; to exercise or sell any subscription or conversion rights; to consent to and join in or oppose any voting trusts, reorganizations, consolidations, mergers, foreclosures and liquidations and in connection therewith to deposit securities and accept and hold other property received therefor;

(e) To lease trust property for any period of time though commencing in the future or extending beyond the term of the trust;


Testatrix

(f) To borrow money from any lender, including a Trustee hereunder individually, extend or renew any existing indebtedness and mortgage or pledge any property in the trust;

(g) To sell at public or private sale, contract to sell, convey, exchange, transfer and otherwise deal with the trust property and any reinvestments thereof from time to time for such price and upon such terms as the Trustee sees fit;

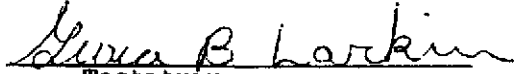
(h) To employ agents, attorneys and proxies and to delegate to them such powers as the Trustee considers desirable;

(i) To compromise, contest, prosecute or abandon claims in favor of or against the trust;

(j) To divide or distribute the trust property in cash or in kind, or partly in each, or in undivided interests or in different assets or disproportionate interests in assets; to value the trust property for such purposes; and to sell any property in order to make division or distribution;

(k) To deal with, purchase assets from, or make loans to, the fiduciary of any trust made by me or any member of my family or a trust or estate in which any beneficiary under this Will has an interest, though a Trustee hereunder is such fiduciary;

(l) To maintain or to terminate any life insurance policy included in the trust property, to pay premiums thereon (but only from principal), and to exercise all incidents of ownership in connection therewith;


Testatrix

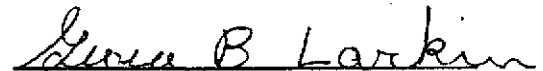
(m) To establish out of income and credit to principal reasonable reserves for depreciation, obsolescence and depletion; and

(n) To perform other acts necessary or appropriate for the proper administration of the trust, execute and deliver necessary instruments and give full receipts and discharges.

SECTION 7: The Trustee shall render an account of its receipts and disbursements at least annually to each adult income beneficiary. The Trustee shall be reimbursed for all reasonable expenses incurred in the management and protection of the trust and shall receive fair compensation for its services. The Trustee's regular compensation shall be charged half against income and half against principal, except that the Trustee shall have full discretion at any time or times to charge a larger portion or all against income.

SECTION 8: If at any time a trust hereunder has a market value as determined by the Trustee of \$50,000 or less, the Trustee may in its discretion terminate the trust and distribute the trust property proportionately to the persons then entitled to receive or have the benefit of the income therefrom.

SECTION 9: No trust created hereby, or by exercise of a power of appointment hereunder, shall continue for more than 21 years after the death of the last to die of myself and the beneficiaries in being at my death. Any property still held in trust at the expiration of that period shall immediately be distributed to the persons then entitled to


Testatrix

receive or have the benefit of the income therefrom in the proportions in which they are entitled thereto, or if their interests are indefinite, then in equal shares.

SECTION 10: I appoint my husband, CHARLES R. LARKIN and my attorneys FRANK W. BEER and PAUL BEER as my Trustee. If any of them fail or cease to act in such capacity, then the survivors may continue as my Trustee, or, in their discretion may cause a third person, of their joint choosing to act as Co-Trustee, without bond.

Any Trustee may resign at any time by written notice to each of the Co-Trustees then serving. A successor Co-Trustee may be appointed in accordance with the foregoing paragraph.

Every successor Trustee shall have all the powers given the originally named Trustee. No successor Trustee shall be personally liable for any act or omission of any predecessor. With the approval of the beneficiary or a majority in interest of the beneficiaries then entitled to receive or have the benefit of the income from the trust, a successor Trustee may accept the account rendered and the property received as a full and complete discharge to the predecessor Trustee without incurring any liability for so doing.

No Trustee wherever acting shall be required to give bond or surety or be appointed by or account for the administration of any trust to any court.

When the context so requires, the masculine, feminine and neuter genders shall be used interchangeably, and the singular shall include the plural and vice versa.

SECTION 11: If and when there are three (3) Trustees qualified and acting hereunder, the Trustees may act

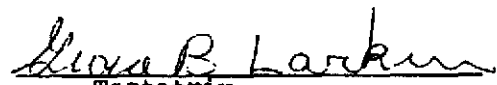

Testatrix

by a majority in regard to any matter pertaining to the discharge of their duties or the exercise of any powers, authority or discretion herein conferred upon them and the decision or action of the majority of the Trustees or any instrument executed by a majority of the Trustee shall be binding and conclusive and shall have the same force and effect as if it were the action or decision or instrument of all the Trustees, but no Trustee shall be in any way responsible for any decision, action or omission to act in which he or she does not concur, or for any instrument to which he or she is not a party.

SECTION 12: In disposing of any trust property subject to a power to appoint by Will, the Trustee may rely upon an instrument admitted to probate in any jurisdiction as the Will of the donee or may assume that he or she died intestate if the Trustee has no notice of a Will within 3 months after his or her death.

SEVENTH: I appoint CHARLES R. LARKIN, FRANK W. BEER and PAUL BEER as my co-personal representatives. If any of my co-personal representatives fails or ceases to act for any reason, then the survivors may continue the administration of my estate, or, in their discretion, may cause a third person, of their joint choosing, to act as co-personal representative.

I give my personal representatives the same powers which I have granted the Trustee as to the administration and investment of the trust property, to be exercised without authorization by any court. No bond or security shall be required of any personal representative wherever acting.


Testatrix

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JUN 02 2004

If at my death any trust under this Will has become executed, my personal representatives shall make distribution to the beneficiary without the intervention of the Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of October, 1980.

Gioia B Larkin
Testatrix

I, GIOIA B. LARKIN, the Testatrix, sign my name to this instrument this 30th day of October, 1980, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament, and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Gioia B Larkin
Testatrix

We, Mack E. Tarwater and Patricia Norris,
the witnesses, sign our names to the instrument, being first
duly sworn, and do hereby declare to the undersigned authority
that the Testatrix signs and executes this instrument as her
Last Will and Testament and that she signs it willingly, and
that each of us, in the presence and hearing of the Testatrix
hereby signs this Will as witness to the Testatrix' signing,
and that to the best of our knowledge, the Testatrix is
eighteen years of age or older, of sound mind, and under no
constraint or undue influence.

Mack E. Tarwater
Witness

Patricia Norris
Witness

STATE OF ARIZONA)
) ss.
County of Maricopa)

Subscribed, sworn to and acknowledged before me by
GIOIA B. LARKIN, the Testatrix, and subscribed and sworn to
before me by Mack E. Tarwater and Patricia Norris,
the witnesses, this 30th day of October, 1980.

Susan K. Kelly
Notary Public

My Commission Expires:
October 26, 1983

Gioia B Larkin
Testatrix



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 7, 2004

CHARLES T FOLEY
1 EAST END AVE
NEW YORK NY 10021

RE: Change of Ownership for Water Right 37-11476

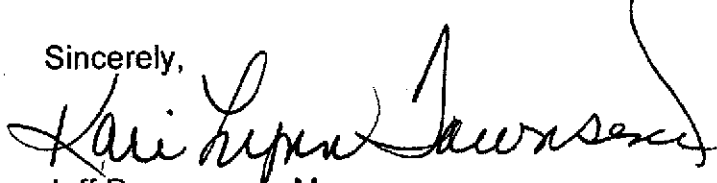
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

APR 21 2004

RECEIVED

MAR 26 2004

Department of Water Resources

LAWSON & LASKI, PLLC
ATTORNEYS AT LAW

Edward A. Lawson
eal@LawsonLaski.com

675 SUN VALLEY ROAD, SUITE A
POST OFFICE BOX 3310
KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
WWW.LAWSONLASKI.COM

March 25, 2004

Ms. Kari Lynn Townsend
Idaho Department of Water Resources
1301 N. Orchard Street
Post office Box 83720
Boise, Idaho 83720-0098

Re: *Charles T. Foley/Change of Ownership of Water Right 37-11476*
Our File No. 32370-005

Dear Ms. Townsend:

We represent Mr. Foley and on his behalf enclose Notice of Change in Water Right Ownership previously delivered to you together with a Certified Copy of Letters of Limited Conservatorship appointing Larry A. Nevitt the conservator for Mr. Larkin. As you are aware, Mr. Larkin's interest in the above referenced Water Right was conveyed to Mr. Foley and the enclosed is evidence of Mr. Nevitt's authority to executed the transfer documents.

We have requested a copy of the trust created under the will of Gioia B. Larkin and will provide that to you upon receipt. In the meantime, might you be able to complete the transfer on the basis of the notary acknowledgment of Mr. Beer's signature on the Quit Claim Deed as trustee of the trust? The notary acknowledgment was sufficient proof for First American Title Insurance Company to insure the title to the land to which the water is appurtenant was conveyed to Mr. Foley.

Thank you in advance for your assistance in this matter.

Sincerely,

LAWSON & LASKI, PLLC



Edward A. Lawson

Cc; client

MICROFILMED

APR 21 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 11, 2004

CHARLES T FOLEY
1 EAST END AVE
NEW YORK NY 10021

RE: Change of Ownership for Water Right 37-11476

Dear Mr. Foley:

Our letter of January 7 2004 and February 11, 2004 (copy enclosed) requesting the proof of the appointment of Larry A. Nevitt as temporary conservator for Charles R. Larkin or Paul Beer has not been answered.. Therefore, I am returning the ownership change request. A copy of your ownership change information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required support data and we will be happy to complete the request for you.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

MICROFILMED
APR 21 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

January 7, 2004

FEB. 11, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHARLES T FOLEY
1 EAST END AVE
NEW YORK NY 10021

*2ND
REQUEST*

RE: Change of Ownership for Decreed Water Right 37-11476

Dear Mr. Foley:

The Notice of Change in Water Right Ownership form and support data that you sent to our Twin Falls office has been forwarded to this office for final processing.

During our review of your support data we found no documents indicating proof of the appointment of Larry A. Nevitt as temporary conservator for Charles R. Larkin or Paul Beer. Please send a copy of the appropriate document regarding Mr. Nevitt's appointment as temporary conservator. In addition, we require a copy of the Trust created under the will of Gioia B. Larkin.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

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APR 21 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

January 7, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHARLES T FOLEY
1 EAST END AVE
NEW YORK NY 10021

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