

RECEIVED

MAY 03 2006

DEPARTMENT OF
WATER RESOURCES

May 1, 2006

1152 Canterwood Drive
Moscow, ID 83843

Mr. Shelley Keen
The Idaho Water Center
322 E. Front Street
Boise, ID 83720-0098

Subject: Assignment of Water Permit

Dear Mr. Keen,

I'm President of the Canterwood Estates Homeowners Association in Moscow, Idaho. The Subdivision was created in 1996 and Water Permit 87-7197 issued to Thomas Janson. Mr. Janson was the subdivision developer. A Quitclaim Deed, dated December 26, 1996 was made transferring ownership of the two well lots and common areas to the Canterwood Homeowners Association (the Association was incorporated December 24, 1996).

For the past month I've tried to obtain Mr. Janson's signature on an Assignment of Water Permit form. I contacted him personally and was advised by him he was busy and to write him a letter. I immediately wrote him, followed by phone calls and a FAX. Mr. Janson has not responded to any of my requests. I get the distinct feeling Mr. Janson does not willingly want to work with us.

It is my understanding that water permits transfer with the property rights. If this is the case, I believe the Association is entitled to the water rights since the wells and common areas have been transferred.

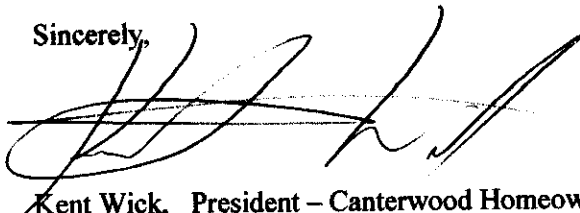
Your Coeur d'Alene office suggested I send this letter to you to obtain water rights transfer to the Homeowners Association.

Mr. Janson's contact information is: 30400 Sunray Trail, Worley, ID 83876; Phone – 208 686-8687.

Attached are document copies which might be of assistance: a) Quitclaim Deed dated December 26, 1996; b) Water Permit Report 87-7197; c) Assignment of Permit form filled in but lacking signature of Permit Holder; d) my letter of April 11, 2006 to Mr. Janson, and; e) my Fax of April 27 to Mr. Janson

Please advise what we need to do further. I look forward to hearing from you. Thank you.

Sincerely,



Kent Wick, President – Canterwood Homeowners Subdivision
Phone: 208 882-9943 E-mail: bkwick@moscow.com

QUITCLAIM DEED

THIS INDENTURE made this 26 day of December, 1996, by and between and THOMAS F. JANSON and LINDA B. JANSON, husband and wife, whose address is 333 Moser Court, Moscow, Idaho 83843, Grantor, and CANTERWOOD ESTATES HOMEOWNERS ASSOCIATION, INC., an Idaho non-profit corporation, Grantee, whose address is 333 Moser Court, Moscow, Idaho 83843.

WITNESSETH: That Grantors, for and in consideration of good and valuable consideration, receipt of which is hereby acknowledged, do by these presents remise, release and forever quitclaim unto Grantee, and to its heirs and assigns forever, their right, title and interest in and to the following described real property located in the County of Latah, State of Idaho, to-wit:

Well Lot 1 with wellhead protection easement; Well Lot 2 with wellhead protection easement; Lot B, Block 1; Lot A, Block 2; and Lot A, Block 3, Canterwood Estates Subdivision, as shown on the official plat thereof on file with the office of the Latah County Recorder.

TO HAVE AND TO HOLD the above quitclaimed premises, together with, all and singular, the above bargained premises together with the appurtenances unto the Grantee, and to its heirs and assigns forever.

IN WITNESS WHEREOF, Grantors hve executed this deed this 26 day of December, 1996.

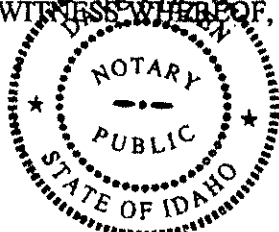

THOMAS F. JANSON, Grantor


LINDA B. JANSON, Grantor

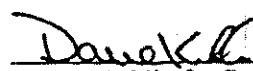
STATE OF IDAHO)
 : ss.
County of Latah)

On this 26 day of December, 1996, before me, a Notary Public for the above State, personally appeared THOMAS F. JANSON and LINDA B. JANSON, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the date last above written.



EXPIRES 7-20-2000


Notary Public for State of Id
Residing at Moscow
Commission Expires: _____

424774

NO.

AT THE REQUEST OF:

LATAH COUNTY TITLE CO.

DATE & HOUR:

12-30-96

10:23 AM

SUSAN PETERSON

LATAH COUNTY RECORDER

FEE \$ 3.00

BY

S. Chapman

LATAH COUNTY TITLE CO.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 87-7197

WATER RIGHT NUMBER: 87-7197

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS JANSON 333 MOSER ST MOSCOW, ID 83843 (208)882-9463

Priority Date: 07/29/1996

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.180 CFS	
IRRIGATION	3/15 to 11/15	0.150 CFS	
	<u>Total Diversion:</u>	0.330 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 31, Twp 40N, Rge 05W, B.M.
LATAH County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
40N	05W	31											1.0	6.5					7.5

Total Acres: 7.5

DOMESTIC same as IRRIGATIONConditions of Approval:

1. A point of diversion is located within Lot A (City Park), Blk. 1, and a point of diversion is located within Lot B (Common Area), Blk. 1, Canterwood Estates Subdivision. Place of use is located within Lots 1-6, Blk. 1, and Lots 1-9 Blk. 2, , Canterwood Estates Subdivision. Domestic use is for 15 homes and does not include lawn, garden, landscape, or other types of irrigation.
2. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
3. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 87-7197

Comments:

1. DBALL 7/15/1996 DIVERSION DESCRIPTION
Comment: 2 wells, 87-96-N-39 and 87-96-N-40; pumps and pipelines.
2. VAULT 2/18/1999 Lapse Notice Sent
Comment: Lapse Notice Sent
3. VAULT 2/19/1999 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Permit Proof Due Date: 2/1/1999
Permit Proof Made Date: 2/18/1999
Permit Approved Date: 1/28/1997
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date: 11/6/1999
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

11/99

mv ✓

For Office Use Only
\$25 filing fee _____
Receipt # _____
Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Thomas Janson, hereby assign to Canterwood Estates Homeowners Association Inc.
of, 1218 Canterwood Dr, Moscow, ID 83843 208 882-7855
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 87-7192 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this _____ day of _____, 20_____.

Permit Holder(s)

State of Idaho)
)ss
County of _____)

On this _____ day of _____, 20_____, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at

SEAL

My commission expires: _____

April 11, 2006

1152 Canterwood Dr.
Moscow, ID 83843

Tom Janson
30400 Sunray Trail
Worley, ID 83876

Dear Tom,

I'm the fellow you met at the entrance to your subdivision last Friday morning.

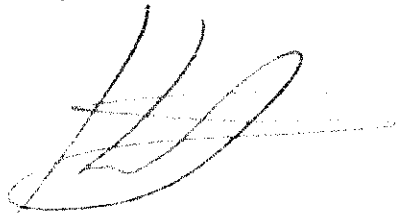
In May of 2004, my wife and I bought the house owned by Bill Thomson and Ardis at 1152 Canterwood. This past November I was selected as President of the Canterwood Estates Homeowners Subdivision. I objected to the appointment but was overruled!!??

Upon review of legal documents relating to the subdivision, it was observed that Title to the two community wells has been legally transferred to the Homeowners Association but the water rights have not. The water rights are in your name. Legally, water rights transfer with transfer of title, but this still needs additional paperwork. Specifically, an Assignment of Permit signed by the assignor (you) to the Association is needed.

Attached is an Assignment of Permit for your signature. Could you sign the Assignment and return it to me (at 1152 Canterwood)? Once I receive the document from you, I'll process it with the Idaho Department of Water Resources. Also enclosed is a stamped envelope for you to use in returning the document to me.

Please note the address of "1218 Canterwood Dr" for the Association on the Assignment. Laurie Austin is the Treasurer and we are using her address as the registered address with Idaho for the Association. Also, unfortunately your signature needs to be notarized on the Assignment

Sorry for any trouble this may cause. Thanks in advance for your help.

A handwritten signature in black ink, appearing to read "Kent Wick", written over a faint dotted line.

Kent Wick
Phone: 208 882-9943

...

facsimile transmittal

To: Tom Janson

Fax: 208 686-8687

From: Kent Wick (208 882-9943)

Date: 4/27/2006

Re: Assignment of Water Permit

Pages: Three

☐ Urgent

☐ For Review

☐ Please Comment

☒ Please Reply

☐ Please Recycle

Tom,

On April 11, I sent you a letter and Assignment of Permit form to transfer the water rights from your name to the Canterwood Estates Homeowners Association. I'm just checking to see if you received the letter? Attached is a copy of the letter and the form.

Please call and let me know if you received the document. I'm hoping to have a Board meeting soon and would like to advise the Board. My phone number is: 208 882-9943. When you call, if nobody is home, please leave a message.

Thanks.



CONFIDENTIAL

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