

No Color
Documents
In File

RECEIVED
OCT 25 2004
DEPARTMENT OF
WATER RESOURCES

QUITCLAIM DEED

FOR VALUE RECEIVED, DONALD K. JUSTUS, STEVEN K. JUSTUS, KEVIN D. JUSTUS, and KARAN JUSTUS, now known as KARAN J. ANTON, do hereby convey, release, remise and forever quitclaim unto DOT, LLP, an Idaho limited liability partnership, whose address is 581 East Provident Drive, Boise, Idaho, 83706, all of their right, title and interest in and to that certain water right known as Idaho Department of Water Resources Water Right No. 71-7009, located in Blaine County, Idaho, with its source being the Salmon River and its Tributary being the Snake River, which water right referred to herein benefits and is appurtenant to those parcels of real property described in said water right and on file with the Idaho Department of Water Resources.

DATED this 8th day of October, 2004.

Donald K. Justus by Karan Anton
DONALD K. JUSTUS
By: Karan J. Anton, Attorney-in-Fact

Steven K. Justus
STEVEN K. JUSTUS

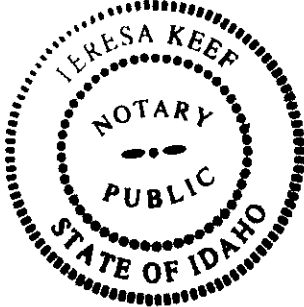
Kevin D. Justus
KEVIN D. JUSTUS

Karan J. Anton
KARAN J. ANTON

STATE OF IDAHO)
) ss
County of Ada)

On this 8 day of October, in the year 2004, before me, Teresa K. Kell, a Notary Public in and for said State, who, being by me duly sworn, did say that she is the attorney-in-fact of DONALD K. JUSTUS, and that said instrument was signed on behalf of said DONALD K. JUSTUS, by authority, and said KARAN J. ANTON acknowledged to me that she as such attorney-in-fact executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County the day and year first above written.

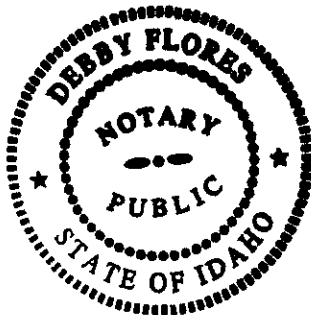


Teresa Keef
Notary Public for Idaho
Residing at: Boise
Commission Expires: 11/15/06

STATE OF IDAHO)
)ss.
County of Ada)

On this 11th day of October, in the year 2004, before me, Debby Flores, a Notary Public in and for said State, personally appeared STEVEN K. JUSTUS, known or identified to me to be person whose name is subscribed to the above instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

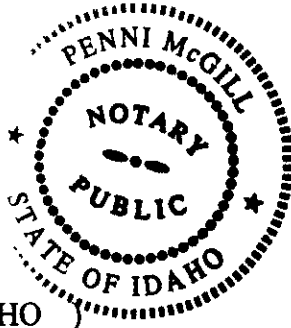


Debby Flores
Notary Public for Idaho
Residing at: Boise, ID
Commission Expires: 8-19-2008

STATE OF IDAHO)
)ss.
County of Ada)

On this 14th day of October, in the year 2004, before me, Pennie McGill, a Notary Public in and for said State, personally appeared KEVIN D. JUSTUS, known or identified to me to be person whose name is subscribed to the above instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Penni McGill
Notary Public for Idaho
Residing at: Nampa, Id
Commission Expires: 9/16/08

STATE OF IDAHO)
)ss.
County of Ada)

On this 8 day of October, in the year 2004, before me, Teresa Keef, a Notary Public in and for said State, personally appeared KARAN J. ANTON, known or identified to me to be person whose name is subscribed to the above instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Teresa Keef
Notary Public for Idaho
Residing at: Bone
Commission Expires: 11/15/06



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

August 9, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DOT LLP
581 EAST PROVIDENT DRIVE
BOISE ID 83706

DONALD K JUSTUS
KARAN JUSTUS
KEVIN JUSTUS
STEVEN JUSTUS
1024 RANCH RD
BOISE ID 83702

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NO(S). 71-2091C,
71-2091D, 71-7008, 71-7009, 71-7083, 71-10665A, AND 71-10665B TO
THE WATER SUPPLY BANK**

Dear Lessor:

The department has completed its review of the Application to Sell or Lease Water Right(s) to the Water Supply Bank ("bank") that you submitted to this office. Please consider that as of the offered water right(s) are accepted into the bank in the portions listed below.

Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

1. Portion(s) of the above referenced water right(s) are leased to the bank as follows:

Right No	Acres (ac)	Diversion Rate (cubic ft per sec., cfs)	Diversion Volume (acre-feet per acre, afa)	Source
71-2091C	35.2 ac	0.7 cfs	105.6 afa	Beaver Creek
71-2091D	18.1 ac	0.36 cfs	54.3 afa	Beaver Creek
71-7008	146 ac	2.92 cfs	438 afa	Beaver Creek
71-7083	200 ac	3.48 cfs	600 afa	Ground water
71-10665A	30.8 ac	3.48 cfs	92.4 afa	Beaver Creek
71-10665B	10.8 ac	1.31 cfs	32.4 afa	Beaver Creek
71-7009	37.3 ac	0.82 cfs	115.9 afa	Salmon River
Combined Totals:	278.2 ac	9.45 cfs	838.6 afa	

SUPPORT DATA

IN FILE # 71-02091C

2. Rental of rights 71-2091C, 71-2091D, 71-7008, 71-7083, 71-10665A, and 71-10665B is limited to a total combined diversion rate of 8.63 cfs and a combined diversion volume of 722.7 afa for use during the irrigation season authorized under each water right.
3. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
4. While a right is in the bank, the owner of the right may not use the right even if the right is not rented from the bank.
5. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
6. While a water right is in the bank, forfeiture provisions are stayed.
7. Prior to rental of the right from the bank, additional review may be required to confirm the validity of the right and availability of the surface water source.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication or any other department application process.
9. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
10. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

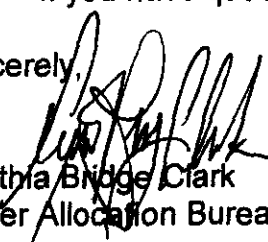
The right(s) will automatically be released from the bank on **December 31, 2004**, unless the right(s) are released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

Enclosed is a copy of the Internal Revenue Service Request for Taxpayer Identification and Certification, Form W-9. The department is required to file an information return with the Internal Revenue Service ("IRS") for all payments issued to for water rented from the bank. Payments for the rental of a water right or a part thereof cannot be issued to the lessor unless the department has received a completed IRS W-9 form.

Additionally, documentation of authority to receive payment must be submitted if the name provided on the W-9 form does not match the name of the lessor. The address associated with the water right leased to the bank will be updated in the department database to the address provided on the W-9 form unless otherwise requested by the lessor. If you no longer have an interest in the water right, please contact the department. Return this form and any additional documentation to my attention.

If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

Encl: 1

c: IDWR Regional Office
Bill Graham – IDWR State Office

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: Water Resource Board
2. Address: 1301 N Orchard, Boise Id 83706-2237
3. Source of water: Beaver Creek and Salmon River
4. Volume of water rented: 560.4 AF (Based on consumptive use volume)
Max rate: 9.45 cfs
5. Diversion period: 2004 Irrigation season as authorized under each water right.
6. Use of water: Instream Flow
7. a) Renter's point of diversion:

Legal description: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T24N, R21E, B.M., Lemhi County
(Beginning of Reach)
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T25N, R25E, B.M., Lemhi County (Ending of
Reach)

- b) Renter's place of use:

Legal description: Instream flow in Beaver Creek and the Salmon River

8. The rights from which water will be rented are:

Right No.	Acres (ac)	Diversion Rate (cubic ft per sec, cfs)	Consumptive Diversion Vol (acre-feet per acre, afa)	Source
71-2091C	35.2 ac	0.7 cfs	70.4 afa	Beaver Creek
71-2091D	18.1 ac	0.36 cfs	36.2 afa	Beaver Creek
71-7008	146 ac	2.92 cfs	292 afa	Beaver Creek
71-7083	200 ac	3.48 cfs	400 afa	Ground water
71-10665A	30.8 ac	3.48 cfs	61.6 af	Beaver Creek
71-10665B	10.8 ac	1.31 cfs	21.6 afa	Beaver Creek
<u>71-7009</u>	<u>37.3 ac</u>	<u>0.82 cfs</u>	<u>78.6 afa</u>	Salmon River
Combined Totals:	278.2 ac	9.45 cfs	560.4 afa	

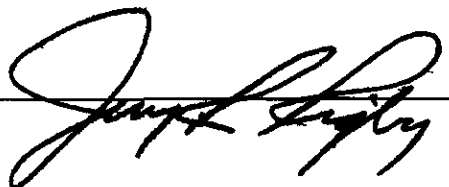
The undersigned renter agrees to pay \$ 5,353.34 for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

Conditions of water use under this agreement

1. Rental of rights 71-2091C, 71-2091D, 71-7008, 71-7083, 71-10665A, and 71 10665B is limited to a total combined diversion rate of 8.63 cfs and a combined diversion volume of 481.8 afa for use during the 2004 irrigation season authorized under each water right.
2. Rental of right 71-7009 is limited to a diversion rate of 0.82 cfs and diversion volume of 78.6 afa for use during the 2004 irrigation season.
3. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
4. Upon Department request, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director and shall report the amount of water diverted at the end of the irrigation season.
5. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to the licensed points of diversion and place of use and/or again be available to rent from the bank.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
10. This rental does not authorize the construction of a well.

Dated this 9th day of August, 2004.

by
for



Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 9 day of AUGUST, 2004.

For 
KARL J. DREHER, Director
Department of Water Resources

ORIGINAL IN RED

Water Supply Bank No. _____

Water Right No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

JUL 10 2003

Department of Water Resources

Name of Seller/Lessor DOT, LLP Phone 208-584-3237

Post office address 755 East Ridgefield Drive, Boise, ID 83706

1 DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 71-7009 Decreed to Donald K. Justus et al
(Name)
in case of SRBA vs _____
dated 3/16/1999 in _____ county of Twin Falls
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water
Resources.
- c. Permit No. _____ issued by the Idaho Department of Water
Resources.

**2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2.)**

- a. Amount of water under right: ALL cubic feet per second &/or
_____ acre-feet per annum
- b. Point of diversion: _____ 3 of _____ 3 of Section _____ Township _____ Range
_____, B.M. in _____ County.
Additional points _____

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

The water right is appurtenant to the land described in the attached deed.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

N/A

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

May 15 - September 30

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

No

- e. If the water right is a permit, describe the work accomplished toward developing the right.

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

☐

For sale;

☒

For lease for a period from INDEFINITE to _____
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

☐

As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

CURRENT RENTAL RATE

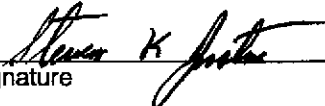
I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

DOT, LLP

6-29-03
Date


Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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) *Steven K. Justice*, a general partner of DOT, LLP
(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 TF Date 7.10.03 Fee \$ 225.00
 Received by TF Date 7.10.03 Receipt No 5025968
 Processed by _____ AJ Date _____ WR _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 27, 2004

DOT LLP
581 E PROVIDENT DR
BOISE ID 83706

RE: Change of Ownership for Water Right 71-7009

Dear Water Right Holder:

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,

A handwritten signature in black ink, appearing to read 'JP', is written over a horizontal line.

for Jeff Peppersack, Manager
Water Right Permits Section

JP:eja

Enclosure

October 22, 2004

IDWR
1301 North Orchard Street
Boise, ID 83706

RECEIVED
OCT 25 2004
DEPARTMENT OF
WATER RESOURCES

Dear Justin:

Here is the quit-claim for the water right 70-7009, as you requested.

Thank you for your help in this matter.

With Regards,



Steven K. Justus
Partner, DOT L.L.P.

Clark, Cynthia (Bridge)

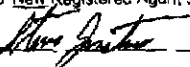
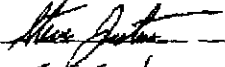
From: Steven Justus [sjustus@boisestate.edu]
Sent: Monday, August 09, 2004 9:44 AM
To: cclark@idwr.state.id.us
Cc: karan@anton-interiors.com, ASPHALT4U@aol.com
Subject: Water Bank

Cynthia,

While the transfer of ownership of "71-7009" is in process from our families names to our family's Partnership, could you please add these rights to the water bank application in the current name on the water right? I appreciate your help in this matter.

With Regards,

Steve Justus
Partner, DOT L.L.P.

No. J 920 Return to SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080	Due no later than November 30, 2003 Annual Report Form 1 Mailing Address: <i>Correct in this box, if applicable</i> DOT LLP 581 E. Provident Drive 765 E RIDGEFIELD DR BOISE ID 83706	2. Registered Agent and Office NO PO BOX KARAN JANTON STEVE JUSTUS 765 E RIDGEFIELD DR 581 E Provident Drive BOISE, ID 83706																																																																		
NO FILING FEE IF RECEIVED BY DUE DATE	BOISE ID 83706	3 New Registered Agent Signature 																																																																		
4 Limited Liability Partnerships: No further information is required <table border="1"> <thead> <tr> <th>Office held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Zip</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>			Office held	Name	Street or PO Address	City	State	Zip																																																												
Office held	Name	Street or PO Address	City	State	Zip																																																															
5 Organized Under the Laws of IDAHO J 920	6 Signature  Date 10-05-03 Name (Printed) STEVE JUSTUS Title Partner																																																																			

Issued 09/02/2003

Do Not Tape or Staple

1687

Clark, Cynthia (Bridge)

From: Clark, Cynthia (Bridge)
Sent: Wednesday, April 28, 2004 6:17 PM
To: Jim Speck (E-mail)
Cc: Graham, Bill
Subject: Donald Justus water rights

Jim,

I have some applications to lease water rights to the Water Supply Bank from Donald Justus. They were originally filed last year, but additional information was required to process the applications. You indicated during a telephone conversation that your client was unavailable, and would pursue entering the rights into the bank the following year. Donald Justus has since been in communication with our planning division about having his rights rented for instream flow use. I explained the information required to our planning staff, but we have all had difficulty reaching him. I wanted to find out whether you are still representing Mr. Justus in this matter. I know our planning staff is very interested in working with him regarding the bank rental.

Thank you,
Cynthia

*Cynthia Bridge Clark
Idaho Department of Water Resources
Water Allocation Bureau
(208) 327-7898
cclark@idwr.state.id.us*

DOT L.L.P.
581 East Provident Drive
Boise, ID 83706

February 7th, 2004

Bob Rohr
IDWR – Planning Bureau
1300 North Orchard Street
Boise, ID 83706

RECEIVED
FEB 11 2004
Department of Water Resources

Dear Bob:

Please find the enclosed copies of the water bank applications for DOT L.L.P. DOT has changed addresses, so the one on the forms is out of date. The new address is as follows:

DOT L.L.P.
581 East Provident Drive
Boise, ID 83706

Thanks for your help and participation.

Sincerely,



Steve Justus
DOT L.L.P. Partner
581 East Provident Drive
Boise, ID 83706
208.343.7021

Clark, Cynthia (Bridge)

From: Jim Speck [jimspeck@cox-internet.com]
Sent: Tuesday, August 19, 2003 3:27 PM
To: 'Clark, Cynthia (Bridge)'
Subject: RE: Water Supply Bank applications

Cynthia -

I have forwarded your information requests to my client and will have a response to you as soon as possible.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jimspeck@cox-internet.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

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

From: Clark, Cynthia (Bridge)
Sent: Thursday, August 07, 2003 5:08 PM
To: Jim Speck (E-mail)

Jim,

I received your inquiry into the status of the five water supply bank applications for DOT, LLP. I apologize for the delay. I have a couple of questions prior to acceptance into bank. Irrigated land associated with a right in the bank usually may not be irrigated with any water right while a right for irrigation of the land is in the bank. Irrigated land generally must be "dried up" for the duration of the lease period. Water right 71-10665A overlaps three of the rights offered to the bank, but has not itself been offered to the bank. Is there a reason the applicant wishes to retain use of the right?

I reviewed the ownership change forms submitted for the rights offered. The NWSE of Section 22, T07N R14E is described under right 71-7009 for the stock water use, but does not appear to be represented on the deed provided. Is this land owned by the applicant?

Incidentally, I hope to finalize the Roy Woods license for right no. 37-20809 this week.

Let me know if you have any questions.

Thank you,
Cynthia

Cynthia Bridge Clark
Idaho Department of Water Resources
Water Allocation Bureau
(208) 327-7898
cclark@idwr.state.id.us

Clark, Cynthia (Bridge)

From: Clark, Cynthia (Bridge)
Sent: Thursday, August 07, 2003 5:05 PM
To: Jim Speck (E-mail)
Subject: Water Supply Bank applications

Jim,

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Cynthia

*Cynthia Bridge Clark
Idaho Department of Water Resources
Water Allocation Bureau
(208) 327-7898
cclark@idwr.state.id.us*

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

RECEIVED
JUL 11 2003
Department of Water Resources
TELEPHONE (208) 726-4421
FACSIMILE (208) 726-0752

July 8, 2003

L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-0098

Re: DOT, LLP/Applications to Sell or Lease a Water Right to the Water Supply Bank

Dear Glen:

I represent DOT, LLP, an Idaho limited liability partnership. Enclosed you will find the original and one copy each of Applications to Sell or Lease a Water Right to the Water Supply Bank by my client for the following Water Rights: 71-2091C; 71-2091D; 71-7008; 71-7009; and 71-7083. In each case, my client wishes to lease the water right for an indefinite period at the current rental rate. These water rights were all decreed in the SRBA on March 16, 1999. Please call me right away if you have any questions or comments about these Applications. Would you also kindly have your secretary receipt date-stamp the copies of each Application and return them to me in the postage prepaid self-addressed envelope I have included for that purpose.

Finally, I am including a copy of my letter of the same date to Allen Merritt regarding the Notice of Change in Water Right Ownership in case you check your records and find these water rights listed in the name of Donald K. Justus, *et al*, the previous owners.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/jef
Enclosure
cc: Client w/ enclosures



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

July 2, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DOT LLP
755 EAST RIDGEFIELD DR
BOISE ID 83706

RE: Change in Ownership of Water Right 71-7009

Dear DOT LLP:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below

☒ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

☒ **Legal Description of Property**

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for one of the water rights indicated in your notice. All water rights listed on your notice are in good standing, except for 71-7009. The place of Use description for this water right is 7N 14E 22 SWSW, SESW, & NWSE. **We have found no evidence in your documentation that you own land in the NWSE of section 22.** I have enclosed a copy of the water right for your reference.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending its receipt. If we do not receive the necessary information within 30 days water right 71-7009 will not be processed with the other water rights and copies of the documentation pertaining to it will be returned.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

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

Sincerely,

E Justin Aldridge
Technical Review

Enclosure