

February 5, 2005

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DEPARTMENT OF
WATER RESOURCES

The Hon. John M. Melanson
Judge of the SRBA Court
P. O. Box 2707
Twin Falls, ID 83303-2707

Re: Change in ownership for Water Right 29-11596

Dear Judge Melanson:

In 1999 my wife and I purchased a home on ~2.2 acres of land adjacent to Mink Creek in Bannock County. This property was previously owned by G. Kayle Matkin and Joanne Matkin. As this property is outside the Pocatello city limits, we get our culinary water from a well on the property, and the Matkins formerly pumped water from Mink Creek for irrigation purposes. (The pump and motor they used for this were inoperative at the time we acquired the property, however, so we have been unable to pump from the creek. We hope to remedy this situation this summer.)

In 2002 we were visited by Mr. Craig Saxton, Sr. Water Resource Agent in the Adjudication Bureau, who was in the process of re-evaluating the ownership of water rights in this area. He was very helpful in getting us the appropriate paperwork to get all the water rights pertaining to our property into our names. We sent in the required proof of ownership, applications, and the fees requested, and on March 22, 2004, you issued us a partial decree on water right No. 29-00274J for obtaining irrigation water from Mink Creek.

We recently received a letter from Mr. E. Justin Aldridge, a Technical Reviewer, who advised that there was a problem with water right No. 29-11596, which applies to the culinary well water, as there was a discrepancy in the legal description in the Partial Decree issued by the SRBA Court on June 18, 1998, for water right No. 29-11596 in the names of G. Kayle and Joanne Matkin for their property, which includes the portion we now own and on which the culinary well is located. The portion of the property on which Mr. Matkin retained ownership (adjacent to and north of ours) is only pasture area with a number of sheds and outbuildings. The legal description given in 29-11596 is incorrect for any of the Matkin property or for ours. Enclosed is a copy of one particular letter from our file, which Mr. Saxton wrote to the former owners regarding a conversation with Mr. Matkin (who is subsequently deceased). Also enclosed is a copy of the legal description of our property and a copy of the map supplied us by the SRBA personnel.

Mr. Aldridge reviewed our entire file with Ms. Danni Smith, who advised us to write to you to request that the error in the legal description (NENE) be corrected to the correct quarter quarter (NESE) and a new Partial Decree be entered.

Inasmuch as the Matkins never have owned property in the NENE quarter, and based on Mr. Saxton's discussions with Mr. Matkin in 2002, we do respectfully request that a Motion to Set

Aside be filed so that the NENE designation is changed to the correct NESE designation and a new Partial Decree is entered in our names for the culinary water right No. 29-11596 on our property.

If you need further information from us, our phone numbers are 208-232-6563 (home), 208-241-8358 (Karl's cell), or 208-241-8359 (Ardys's cell). Also, Mr. Saxton has the original file, and Ms. Smith and Mr. Aldridge have copies of our entire file pertaining to these water right matters.

Thank you for your consideration.

Sincerely,

/s/

Karl E. and Ardys L. Holte
1506 N. Mink Creek Road
Pocatello, ID 83204-7255

cc: Mr. Craig Saxton

Mr. Justin Aldridge

Ms. Danni Smith ✓