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State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

April 3, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED
MAY 08 2003
Department of Water Resources
Eastern Region

LANNY B HOLBROOK AND
JOANN M HOLBROOK
2181 W 1780 S
SYRACUSE, UTAH 84075

RE: CHANGE IN OWNERSHIP FOR WATER RIGHTS NOS. 29-131, 29-133,
29-2449, & 29-2048.

Dear Mr. and Mrs. Holbrook:

Thank you for returning the change-of-ownership form to our office. In our review of the transfer of ownership of the property, we recognized that the land descriptions in the warranty deeds did not entirely match those of the above referenced water rights. Your warranty deed list included the following (problem areas highlighted in red and underlined):

40 ACRES: NW ¼ OF NE ¼ SEC 9 SEC9 T82-R38E

120 ACRES: SW ¼ OF SE ¼, E ½ SE ¼ LESS 2.27 ACRES HW.
SEC 4 T8S R38 E

148 ACRES: W ½ OF THE SE ¼, SW ¼ OF THE NW ¼ TR SE ¼
OF NW ¼ W OF RR, TR NE ¼ OF SW ¼ W OF
RIVER SEC 3 T8S R38E

The 40-acre tract described above is not a problem. It only shows the section number duplicated and the T82 appears to be a typographical error that should read T8S. The problem is the description of the 148-acre tract. This description details two forty-acre tracts that are beyond the areas of the reference water rights thereby stranding two-quarter sections that cover the irrigated areas. It appears that this should have read "SW ¼" instead of "SE ¼." This leaves two options:

1. Correct the warranty deeds and submit a new change of ownership form with the new warranty deeds, or
2. Commence a water right transfer to split the above referenced water rights between yourselves and whoever continues to own the W ½ of the SW ¼ of section 3, T8S R38E.

As a courtesy, I have included a 1987/1988 infrared aerial photo layout of your property showing the quarter sections and the lands irrigated from the referenced

water rights.

A second matter, in the materials that were returned to us, a note was attached to water right claim no. 29-2048 indicating that you would like to retain this water right. Unfortunately, this water right was not claimed in the prior adjudication of the Union Grain and Elevator Decree (circa 1930) and is therefore NOT considered valid.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,


W. Roger Warner
Adjudication Specialist

Enclosure(s) 1987/1988 color infrared layout of Water Right 29-131, 29-133,
29-2449, & 29-2048., and
Change of Ownership form.