

Van Bussum, Monica

From: Saxton, Craig
Sent: Wednesday, November 01, 2006 1:01 PM
To: Van Bussum, Monica
Subject: Change of Ownership for 67-4248

Monica,

Attached is a copy of a letter sent by the claimant indirectly requesting a change of ownership as well as a deed. I checked the deed and it does match the POU for 67-4249 which is why the ownership for 67-4249 wasn't changed. However, based on our conversation earlier, since we are confident that the POU claimed under 67-4249 was a typo or error by flipping the QQ description around from SWNW to NWSW, we can recommend the POU correctly as it is. Then we can change ownership on the accurate recommendation. We cannot change ownership on the claim as the legal doesn't fit the Johnston's deed.

The reason we are able to use the letter is best explained by an example. Changing ownership is often mistakenly described as transferring the water right. I have received transfer applications which were intended to change ownership only. We went ahead and changed ownership as all the documentation was there, just in a different format. So the letter is the same idea. We have the name, address, signatures, deed. Just in a different format. So we can use the information to make the change.

Lastly, the letter doesn't speak of 67-4248 as one of the rights that needed an ownership change. Two thoughts on this: 1) Often when reviewing a change of ownership we will find rights that aren't on the C/O form but belong to the property in question. We will add those to the list and change ownership on them. Secondly, I think 67-4248 would have been added in the letter if the correct legal description was on the claim. So I don't see the fact that the number wasn't on the letter is an issue.

You can add a copy of this e-mail to the file as documentation for why we changed ownership.

Craig L. Saxton



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CONRAD K. FRANCIS and CATHERINE M. FRANCIS,
husband and wife

the person or persons hereby grant herein all and every unto

PETER L. JOHNSTON and ELAINE P. JOHNSTON,
husband and wife

the parcel or parcels situated in 2164 U.S. Highway 95, P.O. Box 723,
Council, Idaho 83612

the following described premises in Adams County, Idaho, to-wit:

Lots 5 and 6, Block 4, COUNCIL VALLEY ORCHARDS SUBDIVISION, Adams
County, Idaho, according to the official plat thereof on file in
the office of the Adams County Recorder.

Lot 5, Block 3 COUNCIL VALLEY ORCHARDS SUBDIVISION, Adams County,
according to the official plat thereof on file in the office of the
Adams County Recorder.

TO HAVE AND HOLD unto the said parties, with their heirs and assigns forever, unto the said Grantor's heirs and assigns forever. And the said Grantor's heirs and assigns forever, in the whole or in part, except for all easements of record, rights of way, matters
visible, and all matters of record and title.

and that the said parties will warrant and defend the same from all lawful claims whatsoever

Dated July 18, 1991

Conrad K. Francis

Catherine M. Francis

STATE OF IDAHO

County of Adams

City of Council

County of Adams

City of Council

County of Adams

City of Council

County of Adams

City of Council

County of Adams

City of Council

County of Adams

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City of Council

County of Adams

Chicago Title Insurance
Company of Idaho

in South Valley Road

Lot 5, 3.00

Mail to: NOV 19 1992

Michael Fisk

in Council

Commission expires: 10/1/94

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Department of Water Resources

October 9, 1992

Elaine P. Johnston
P.O. Box 723
Council, ID 83612
(208) 253-6098

State of Idaho
Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: Claim No. 67-4249
Application No. 67-7379

Dear Sir:

In July of 1991 my husband, Peter L. Johnston, and I purchased the property on which the wells in the above cited claim and application are located. It was my understanding from the sellers, Kathy and Conrad Francis, that it would be necessary for us to transfer the wells to our name.

The well in Claim No. 67-4249 provides water for our residence only. The well in Application No. 67-7379 was drilled in 1976 in anticipation of building a house at the site, but has never been used. It appears from the documents in my possession that this application may have lapsed.

Would you please notify me as to what, if any, procedure is necessary to transfer our domestic well to our name. We would also like to know what would have to be done if we wished to install a pump and use the second well for irrigation or other purposes at some future date.

I know these requests are somewhat vague, but the information at my disposal is vague and I don't know what needs to be done. I have enclosed copies of the claim and application, as well as a copy of the deed to the property. I would appreciate any assistance and direction you may be able to provide in this matter.

Sincerely,

Elaine P. Johnston
Elaine P. Johnston

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