

MEMORANDUM

TO: File 13-4120

FROM: KAY WALKER *Kay*

RE: Change in Ownership

Date: April 12, 2005

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Mr. Jay Fannesbeck contacted me this morning in regard to the change in ownership that had been processed on Rt. 13-4120. Mr. Fannesbeck stated the change in ownership was in error and he thought the right should be split by land ownership. He stated that the lands in Sec. 5 and the NWNW, Sec. 9 should not have been changed to the new owners. I told him I would run a metes and bounds on the deed and find out which lands should not have been included in the ownership change.

Further review of this file found that there is a "Bill of Sale" that specifically lists this right as part of the sale. I discussed this with Jeff and it is determined that the bill of sale is included in our records as part of the change in ownership and IDWR did not error in changing the entire right to the Astons. It is also noted that in January of this year, our office did request more information regarding evidence of water right ownership and legal description of property – specifically the letter requested ownership evidence for lands located in Sec. 5, SESW. The new owners submitted additional information, which I think included the bill of sale, and the ownership change was processed.

In light of this I did not run a metes and bounds on the deed and have left Mr. Fannesbeck a message on his answering machine regarding what I found in the file. The landowners need to resolve this among themselves and if that is not possible it could become a civil matter.

To contact Mr. Fannesbeck:
Jay Fannesbeck
6022 W. Hwy 36
Weston ID 83286
(208)747-3295

EXHIBIT

335

Protestant

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/12/2005

WATER RIGHT NO. 13-4120

Owner Type	Name and Address
Current Owner	CLINTON K ASTON PO BOX 35 WESTON, ID 83286 (435) 753-1117

Priority Date: 06/26/1962

Basis: Statutory Claim

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	2.8 CFS	
Total Diversion			2.8 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNE	Sec. 08	Township 16S	Range 38E	FRANKLIN County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FRANKLIN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Ac
16S	38E	5		SESW	16									
		8		NENE	3		NWNE	36		SWNE	15		SENE	37
		9		NWNW	40		SWNW	40						

Total Acres: 187

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



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

January 24, 2005

CLINTON K ASTON
PO BOX 35
WESTON ID 83286

RE: Change of Ownership for Water Right 13-4120

Dear Water Right Holder(s):

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,

 Jeff Peppersack, Manager
Water Right Permits Section

JP:klm
Enclosure

RECEIVED
JAN 21 2005
Department of Water Resources

January 16, 2005

Kandice McDermott
Records Analyst
Dept. Water Resources
322 East Front Street
P.O. Box 83720
Boise, Id 83720-0098

Dear Kandice:

The records you requested for transfer of ownership are enclosed, the title company took out fees and was supposed to send in documentation. If you need any more information or paperwork let me know.

Thanks
Clinton Aston
P.O. Box 35
Weston, Id 83286
(435)770-5999