



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 1, 2017

Michael and Shelley Vaughan
PO Box 266
Downey, ID 83234

RE: Error in Ownership Change for water rights 29-7271 and 29-8039

Dear Mike and Shelley:

We've recently been working with Dale and Mary Ann Wade to change the place of use for two ground water rights in Marsh Valley (west of I-15). During my review of the water rights, I discovered an error in a previous ownership change.

In 2004, you filed an ownership change, proposing to update the records for water right 29-7271 and 29-8039, which were in the name of Fred Burmester. To support your ownership change, you provided a copy of the title insurance for the property. We completed the ownership change and updated our records to list you as the owners of water rights 29-7271 and 29-8039. We did not catch an exclusion in the insurance policy, noting that the E1/2 of the SWNW of Section 35, T10S, R36 was not included in the conveyance from Burmester. 14 acres of the water rights were appurtenant to the E1/2 of the SWNW of Section 35. Therefore, the water rights should have been split and Fred and Stacy Burmester should have continued to be the owners of record for the 14-acre portion.

Our records indicate that you sold your property to Dale and Mary Wade in 2008. When we completed the ownership change for the Wades, we caught the exclusion of the E1/2 of the SWNE of Section 35, and split the water rights at that time. Wades are the owners of water rights 29-13896 and 29-13898, covering 280 acres. You, however, continue to be the owner of record for the 14-acre portion of the rights (29-13895 and 29-13897) located in the E1/2 of the SWNW of Section 35. As stated above, this 14-acre portion of the water rights should have been left in the name of Fred Burmester.

We have updated our records to show Fred and Stacy Burmester as the current owner of water right 29-13895 and Fred Burmester as the current owner of water right 29-13897. Bannock County taxlot records show the Burmester family still owns the E1/2 of the SWNW of Section 35. Because your names have been removed from water rights 29-13895 and 29-13897, I wanted to provide you notice of the change. Please give me a call if you have any questions.

Sincerely,



James Cefalo