

January 18, 2012

Church of Jesus Christ of Latter Day Saints
Franklin Idaho Stake
106 East Main Street
Franklin, ID 83237

RE: Notice of Change in Water Right Ownership for Right 13-29

Dear Stake Representative:

In April 2004, Reid Carlson, on behalf of the Franklin Idaho Stake and the LDS Church, filed a Notice of Change in Water Right Ownership ("ownership change") for water right 13-29 from the Cub River (Middle Ditch). At that time, the department was holding most ownership changes in the Bear River basin. Because the water right descriptions in the old decrees are so vague, it is often difficult to know the correct location of the water rights. Just recently, we have started to review all of the pending ownership changes in the Bear River basin to determine which ones can be completed. Those that cannot be completed are being returned to the filing party with a refund of the filing fee. This letter is meant to inform you that your ownership change cannot be completed and that your filing fee will be refunded.

Water right 13-29 was decreed in 1924 to B. M. Burbank and Caroline Allred by a district court in Franklin County. The decree states that the right is for 2.0 cfs for the irrigation of lands "lying within Sections 26 and 27 of Township 15 South of Range 40 East." No other information is given as to the exact location of the Burbank/Allred property. Generally, water rights in the state of Idaho are for 0.02 cfs/acre. Therefore, the water right was likely used on 100 acres. The decree, however, describes an area of 1280 acres. It is impossible, without additional evidence, to know where the 100 acres may be located within the 1280-acre description.

If you can find evidence showing what property was owned by Burbank/Allred in 1924 or if you have a chain of deeds tracing from Burbank/Allred to you that specifically refer to water right 13-29, we may be able to complete your ownership change. However, we understand that this type of historical evidence is very difficult to find. At this point, we have decided to return your ownership change and refund your filing fee (which was paid by the Franklin Stake). A refund check from the state of Idaho should arrive in two weeks. You can re-file your ownership change in the future if you are able to collect the evidence of ownership described above. Feel free to contact me with any questions you may have.

Sincerely,

James Cefalo
Water Resources Program Manager