



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER - Governor
Gary Spackman - IDWR Interim Director

March 8, 2013

Lynn Rasmussen
168 Lago-Liberty Road
Grace, ID 83241

RE: Ownership Change for water right 13-752

Dear Mr. Rasmussen:

Enclosed is a copy of the chain of deeds provided with the Boman ownership change, tracing ownership from William Bassett down to Robert and Diane Boman. There seem to be two critical and conflicting deeds. Both of them are flagged. In 1958, Alfred Hansen executed a warranty deed that conveyed a large parcel of property to his two sons, Clarence and William. Alfred Hansen reserved a life estate in the property. Clarence and William would have been tenants in common to the entire property described in the deed. The 1958 deed states that Alfred Hansen was a widower.

In 1961, Alfred Hansen and Katherine Hansen (husband and wife) executed a deed, conveying certain property in Section 20 to Clarence Hansen. The deed states that the conveyance to Clarence included 90 inches of a May 1, 1884 water right and 20 inches of a May 1, 1901 water right.

My initial inclination was to disregard the 1961 deed because it occurred later in time than the 1958 deed to both Clarence and William. However, all property conveyances occurring after 1961 seem to acknowledge that Clarence rightfully owned the real property described in the 1961 deed. In other words, if the 1961 deed is considered invalid, then Clarence would have had no right to sell off any portion of the property he owned in common with William until a legal division of the property occurred between the brothers.

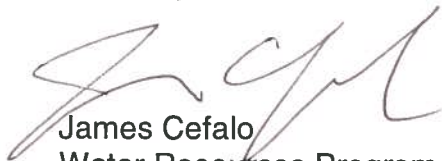
The Department recently completed an ownership change on water right 13-752, updating a portion of the water right to be in the name of Robert and Diane Boman. I split water right 13-752 based on the description from the 1961 warranty deed. The Boman portion of the right (13-7869) describes a diversion rate of 1.80 cfs (90 inches). After my discussion with you this afternoon, I feel that we need to collect additional evidence relating to the transactions between Alfred Hansen and his sons.

There are three specific things that would help with completing this ownership change correctly: 1) Watermaster records showing where water right 13-752 has been delivered and what quantities are associated with each property; 2) A written statement

from Clarence (Bud) Hansen about the history behind and meaning of the 1958 and 1961 deeds; 3) A chain of deeds for the William Hansen property, tracing ownership from William Bassett to William Hansen. I appreciate any assistance you can provide to collect this evidence.

Robert and Diane Boman have recently filed a transfer application (No. 78393) to rearrange the place of use for their portion of water right 13-752. I want to verify that the ownership change was completed properly before approving Transfer 78393. However, it is not fair to the Boman's to delay their transfer application indefinitely. Therefore, I would ask that you collect and provide any additional information you can find by April 15, 2013. If there is not additional evidence provided by April 15th, or if the evidence provided is not compelling, we will proceed with the transfer using the water rights as they were split.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written over the printed name.

James Cefalo
Water Resources Program Manager
(208) 525-7161

Encl: Deeds provided by Bomans

Cc: William P. Hansen Revocable Trust (243 Lago-Liberty Road, Grace, ID 83241)
Robert & Diane Boman (by email)