

March 28, 2012

Nedra C. Torgesen
PO Box 45
Soda Springs, ID 83276

RE: Notice of Change in Water Right Ownership for Water Rights 11-492 and 11-528

Dear Ms. Torgesen:

I received the fax you sent in February which included a copy of a Quit Claim Deed from the Estate of Robert K. Torgesen to you. Thank you for obtaining this deed. It is one of the documents needed to update the ownership for water rights 11-492 and 11-528. I know when we met earlier this year, some of the water right ownership issues discussed were quite complicated and I may have not been entirely clear in describing the additional information needed. This letter is intended to more clearly identify the information we need to complete the two ownership changes.

Water Right 11-492

This water right is still in the name of Mary Corrigan, the owner listed in the 1920 Bear River Decree. The water right place of use was described as "20 acres in the South half of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 1, Township 9 South, Range 41 East." In other words, the right is for 20 acres within a 120-acre area. There is no other information in the decree as to the exact location of the 20 acres. As we discussed when you were in the office, this is one of the major difficulties in updating ownership in the Bear River drainage. The 1920 Decree often used very broad language to describe water rights, making it difficult to know where the water right were actually located.

Luckily, in the case of 11-492, Caribou County taxlot records show that you own all of the 120-acre area described in the decree. Therefore, the only additional documents we need to complete the ownership change for 11-492 is a chain of deeds tracing ownership of the 120-acre property from Mary Corrigan to you. You have provided the last deed in the chain (the quit claim deed from Robert Torgesen to you). You simply need to collect the deeds from Mary Corrigan to Robert Torgesen for the property described in the decree (the South half of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 1, Township 9 South, Range 41 East).

Water Right 11-528

This water right presents a more difficult scenario. This water right is also still in the name of the 1920 Decree owner, Mary Corrigan. The water right place of use was described as "145 acres of land in the South half of the South half of Section 1, and the North half of the Northeast quarter and the Northeast quarter of the Northwest quarter of Section 12, Township 9

March 28, 2012

Page 2 of 2

South, Range 41 East.” In other words, the right is for 145 acres within a 280-acre area. We have no information in the water right file regarding where, within the 280-acre area, the 145 acres are located.

You own much of the 280-acre area. However, Caribou County taxlot data shows that there are 14 other land owners within this area (Soda Springs Solar Gardens LLC, Balls, Verlione, Hemmert, Dockstader, Murray, VanLuven, Ayers, D&J Construction and Coating Inc., Burnham, Hernandez, Baker, Skinner, South). At this point, we have no way of knowing whether any of these 14 other land owners may be entitled to a portion of water right 11-528. When Mary Corrigan divided and sold her property, she may have specifically included a portion of water right 11-528 in the sale.

There are certain documents that could provide some assurance that you in fact own the entire water right. First, would be historic property records relating to ownership of the 280-acre area. It is possible that Mary Corrigan only owned 145 acres within the 280-acre description. In that case, we would know exactly where the water right was located. Second, would be the chain of deeds from Mary Corrigan to you. It is possible that water right 11-528 was specifically mentioned in one of the old warranty deeds. You should be able to obtain these property records from the county.

I have enclosed an ownership change form that you can complete once the various historic deeds are collected. In September 2011, we refunded all of your previous filing fee. If you recall, no fee was required for the water rights already updated because you were listed on the deed with your husband. The filing fee for these two water rights will be \$50 (\$25 per water right) if water right 11-528 does not need to be split into multiple pieces. If, however, we discover that you do not own all of water right 11-528 and it needs to be split, the filing fee will be \$125 (\$100 for the split right, \$25 for 11-492).

When you were in the office, I tried to convey that the Department is not your adversary in this process. We strive to assist all water right holders in identifying and protecting their valuable water rights. We are constrained, however, by the law and must have reliable proof of ownership before we can update our water right records. I have suggested some ways you may be able to find the proof needed. Please contact me if you have any other questions.

Sincerely,

James Cefalo
Water Resources Program Manager
IDWR Eastern Regional Office
(208) 525-7161

Encl: Ownership Change Form