



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 30, 2012

Randy Budge
Racine Olson Nye Budge & Bailey Chtd.
201 East Center Street
PO Box 1391
Pocatello, ID 83204

Dear Mr. Budge:

On June 13, 2012, you filed a Notice of Change in Water Right Ownership on behalf of Blair and Sherri Mathews, seeking to update the ownership records for water right 13-961. With the ownership change, you included a 2006 deed conveying certain property from George Wanlass to Blair and Sherri Mathews and information pertaining to a loan agreement on the property.

After reviewing the ownership change, Jonie Barg in our office sent you a letter requesting that a full chain of deeds, tracing back to the current owner listed on the water right, be submitted with the ownership change. The current owners listed on the right are Justin Pond, LA Pond, and David Bartlome. You recently spoke with me about Jonie's request and noted that there is no legal requirement to include a chain of deeds with an ownership change. You chose not to assemble a chain of deeds in this case.

Water right 11-267 (later renumbered to 13-961) was described in the 1920 Bear River Decree (Entry No. 11). The decree states that the water right is delivered through the Gentile Valley Irrigation Company Canal. The water right authorizes 560 acres of irrigation located somewhere within the following legal description:

S1/2NW and the SW1/4 of Section 25, T11S, R40E
NWNE, SE1/4, N1/2SW and the SESW of Section 26, T11S, R40E
E1/2 and the NENW of Section 35, T11S, R40E
W1/2NW and the NESW of Section 36, T11S, R40E
NWNW of Section 1, T12S, R40E
N1/2NE of Section 2, T12S, R40E

The total acres encompassed by this legal description is approximately 1,160 acres (29 quarter-quarters). The decree notes that the irrigated acres are located "under" the canal. Therefore, I created a map shape including all of the land within the legal description listed above which lies between the Gentile Valley canal and the Bear River (see enclosed map). This reduced shape still covers about 880 acres.

Given the information available to the department at this time, it is impossible to know where the 560 acres authorized under right 13-961 are located within the 880-acre boundary. Often times, historic deeds include specific information relating to water rights. In other instances on the Bear River, we have been able to use the historic deeds to fully update the ownership of water rights. For this reason we requested a full chain of deeds tracing back to Pond/Pond/Bartlome. Of course, there is a chance that the historic deeds are silent as to water rights and would not provide any useful evidence relating to ownership.

We have completed the ownership change consistent with the ownership evidence available at this time. You have shown that Blair and Sherri Mathews likely own some portion of water right 13-961. The Mathews have been added as "present owners" to the water right. I have also included a condition on the face of the water right noting that the portion of the right owned by the Mathews is unknown at this time. Pond/Pond/Bartlome remain listed as current owners on the water right.

It is unlikely that the Mathews own the entire water right. The parcels described in the Mathews' deeds only include about 280 acres within the 880-acre boundary. According to Caribou County, some of the parcels within the 880-acre boundary are in the name of David Bartlome, possibly the decreed owner of the water right or one of his descendants.

Your ownership change included a filing fee of \$100 and a request to split the water right. Because we cannot determine how much of the water right is owned by the Mathews, given the current evidence of ownership, we cannot split the water right at this time. Therefore, \$75 of the filing fee will be refunded to your firm. Feel free to contact me if you would like to discuss this ownership change in greater detail.

Sincerely,

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

James Cefalo
Water Resources Program Manager

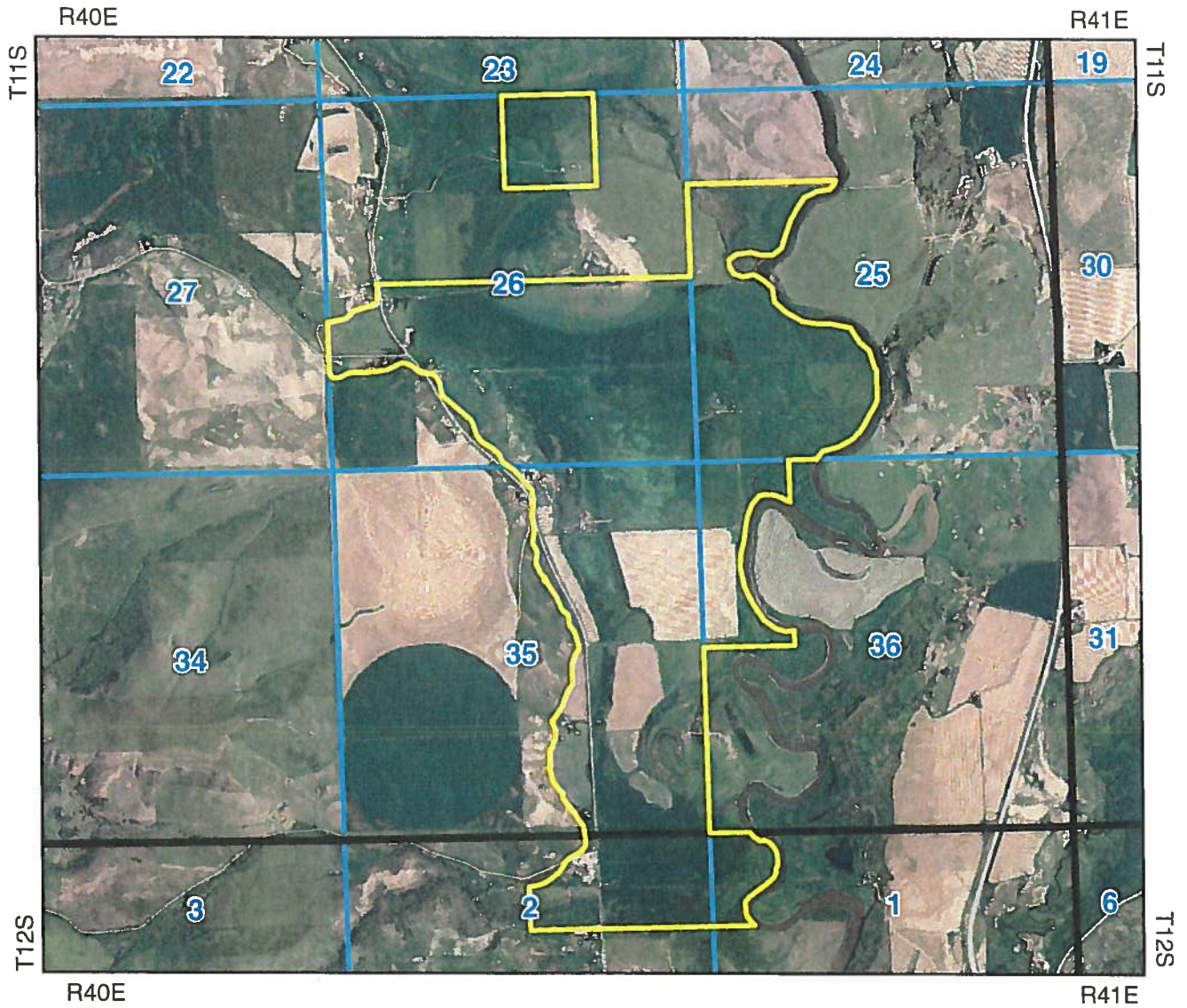
Encl: Map, Water Right Report

State of Idaho
Department of Water Resources

Water Right

13-961

August 30, 2012



0 0.3 0.6 1.2 Miles

Legend

-  Place Of Use Boundary
-  Townships
-  PLS Sections

