



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

September 30, 2010

Helen Malmberg
PO Box 323
Marsing ID 83639

Estate of Patricia Malmberg
C/O Bruce Malmberg, Personal Representative
4623 Pershall Road
Marsing, ID 83639

Re: Water Right Nos. 57-10692 and 57-10718

Dear Interested Parties:

This letter confirms water right ownership currently recorded in the Idaho Department of Water Resources (IDWR) records for the above referenced rights. This confirmation follows from the August 25, 2010, IDWR letter to you. Additional information in response to that letter has not been submitted.

Therefore, the conclusions of that letter are reflected in IDWR records as follows:

- Helen Malmberg is the owner of water right 57-10692.
- Estate of Patricia Phylis Malmberg is the owner of water right 57-10718.

Computer-generated reports of these rights are enclosed for your records.

Please note that water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to IDWR. Notice of change must be provided within 120 days of the change. Change reporting forms are available from any IDWR office or from www.idwr.idaho.gov. Please contact this office if you have any questions in this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

Cc: Julie Adams DeFord, DeFord Law, P.C.

facsimile
TRANSMITTAL

Name:

State of Idaho
Department of Water Resources
ATTN: Steve Lester
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Organization:

Facsimile: **(208) 334-2348**

Phone: **

From: Julie Adams DeFord
DeFord Law, P.C.

Date: Sep 23, 2010

Subject: RE: Water Right Nos. 57-10692 and 57-10718 (Malmberg)

Pages: 2 (including cover page)

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Attached please find correspondence dated September 23, 2010.

9/29/10 -

called Attorney, discussed situation,
declined to extend deadline for
another 30 days. Now always
revisit issues later if better
info received -JZ

From the law office of...
DeFord Law, P.C.
317 12th Ave. South
Nampa, Idaho 83651
Telephone: (208) 461-3667
Facsimile: (208) 461-7077

DEFORD LAW

317 12TH AVE. SOUTH
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R. GEORGE DEFORD, JR.
JULIE ADAMS DEFORD

TELEPHONE: (208) 461-3667
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September 23, 2010

SENT VIA FACSIMILE: (208) 334-2348

State of Idaho
Department of Water Resources
ATTN: Steve Lester
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RE: Water Right Nos. 57-10692 and 57-10718

Dear Steve:

On August 25, 2010, you issued a letter to the Estate of Patricia Malmberg and Helen Malmberg regarding the above noted water rights in domestic and stock wells.

In your correspondence you indicated that you have concluded that water right number 57-10692 is owned by Helen Malmberg, and that water right number 57-10718 is owned by the Estate of Patricia Malmberg.

You requested additional ownership documentation if there was any dispute with your ownership determination. You requested the information prior to September 25, 2010.

Subsequent to your August 25, 2010, correspondence you and I discussed the above referenced water rights.

I am still in the process of researching the historical use of the above referenced right and ownership records. I will not be able to meet your September 25, 2010 deadline.

This correspondence is to request an additional thirty days in which to provide you with documentation regarding the above referenced water rights.

Please advise if you can extend the deadline to October 31, 2010. Thank you for your help and cooperation.

Sincerely,
DeFord Law, P.C.


Julie Adams DeFord



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

August 25, 2010

Estate of Patricia Malmberg
C/O Bruce Malmberg, Personal Representative
4623 Pershall Road
Marsing, ID 83639

Helen Malmberg
PO Box 323
Marsing ID 83639

Re: Water Right Nos. 57-10692 and 57-10718

Dear Interested Parties:

This letter results from contacts the Idaho Department of Water Resources (IDWR) has received from you or your relatives regarding the above referenced water rights. Each right covers separate domestic and stockwater uses for adjacent properties. Each water right is presumed to be owned by the current property owner unless the right was withheld from the land somewhere along the line. Current ownership of the rights needs to be resolved as discussed in this letter.

Helen filed an ownership change for both rights in November 2009. IDWR processed the change and recorded both rights in Helen's name by December 2009. That was an error on IDWR's part because the information included with her ownership change did not convey the property for either right to her (1994 warranty deed). The Estate of Patricia Malmberg filed an ownership change for right 57-10718 last week.

* The following information available to IDWR indicates current ownership of the water rights. The documents are listed in chronological order of their effective dates.

- 1965 Warranty Deed #192594, received with ownership change filed by the Estate of Patricia, property for both rights owned by John M. and Patricia.
- 1994 Warranty Deed #267996, received with ownership change filed by Helen, property for both rights owned by John M. and Patricia.
- 1995 Devolution Transfer Notice #216788, received with ownership change filed by the Estate of Patricia, property for right 57-10718 owned by Patricia.
- 2010 Deed of Personal Representative #270942 (Parcel One), recently received from the County Assessor office, Helen does not own property for either right.

* filed in 57-10718

Water Right Nos. 57-10692 and 57-10718

August 25, 2010

Page 2

- 2010 Deed of Personal Representative #270943 (Parcel Two), recently received from the County Assessor office, deed recorded just after above deed #270942 was recorded, property for right 57-10692 owned by Helen.

Unless additional ownership documentation showing different results is received by September 25, 2010, IDWR will issue the following ownership results:

- 57-10692, Helen Malmberg confirmed as current owner.
- 57-10718, Estate of Patricia Malmberg confirmed as current owner.

This pending result is outlined on the enclosed map. You do not need to reply if you are satisfied with the proposed results.

I regret any inconvenience that previous IDWR errors in this regard may have caused you or your family. Please contact me at 208-334-2190 if you have any questions.

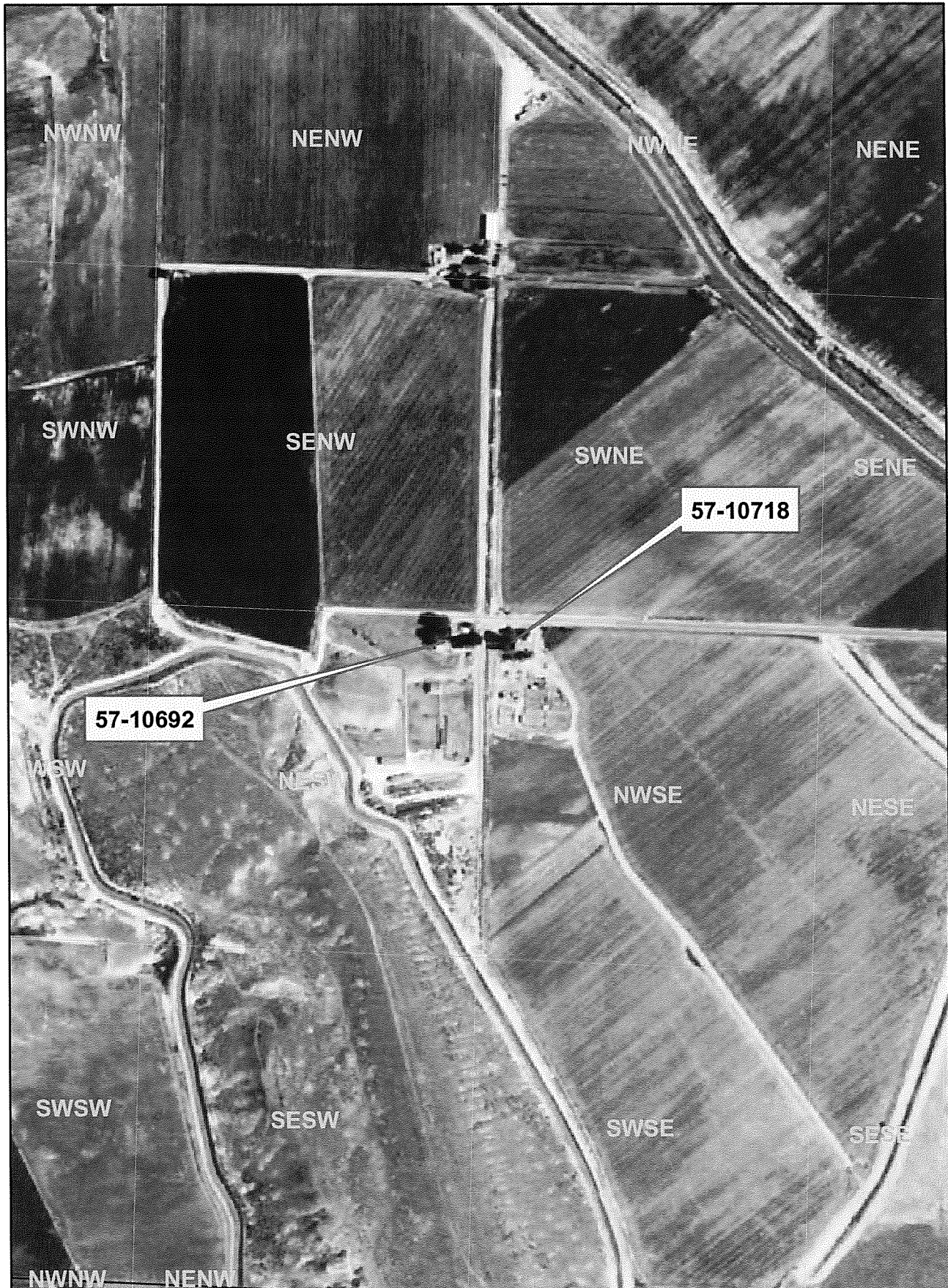
Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', written over a horizontal line.

Steve Lester
Water Rights Supervisor

Enclosure

T2N, R5W, Sec. 12



Lester, Steve

From: Lester, Steve
Sent: Wednesday, August 18, 2010 11:06 AM
To: 'nancy malmberg'
Subject: RE: #57-10718 estate of Patricia Phylis Malmberg

Mr. Malmberg:

There is not an order about the ownership change filed by Helen and processed by IDWR. I believe I gave you a copy of the ownership change form she submitted. That is the document IDWR acted on. But just in case, I will fax a copy of that to you this morning.

The errors IDWR made in processing Helen's ownership change can be corrected. I will wait until you submit your ownership change information to make the corrections.

Carol called this office to ask some questions. IDWR records are public information (generally available on the IDWR website at www.idwr.idaho.gov). There would be no reason for someone in this office to refuse to respond to questions, regardless of whose water rights are involved. From my perspective, she is not involved except to the extent she asked some questions.

Please send or deliver your completed ownership change form to my attention to expedite these corrections. I hope that will properly resolve the water rights ownership. Thank you.

Steve Lester
Water Rights Supervisor
IDWR Western Region

tel. 334-2190

From: nancy malmberg [mailto:nancynurse@frontiernet.net]
Sent: Tuesday, August 17, 2010 9:35 PM
To: Lester, Steve
Subject: #57-10718 estate of Patricia Phylis Malmberg

Greetings Mr. Lester,

Thank you for being so helpful yesterday and spending time with us so late in the day.

Although I asked for copies of the Water Rights Change Order that was used to transfer my mother's water rights, I did not leave with a copy.

This is the order signed by Helen Malmberg transferring both wells 57-10692 and 57-10718 to her name. I spoke with my attorney (White, Peterson in Nampa) yesterday and he tells me I am entitled to have a copy of this order and the documents that were used to gain this change.

I would like you to FAX a copy of those documents to me first thing on Aug. 18, 2010. My FAX # is 208-896-4431.

I do not hold you responsible for mistakenly transferring these rights. It was obvious to me that the form I saw DID request that both wells be changed to the ownership of Helen Malmberg. She filled out the form and she put the two numbers on the request. The documents she used were not supporting transferring 57-10718 and I see that part may have been an oversight but she did ask for both the wells to be transferred.

While we were in your office you stated that Carol Malmberg Chadwick had spoken to you about changing these water rights. Could you please let me know why she would be involved in this when her name is nowhere on any of these documents?

I just want this corrected as soon as possible and I truly appreciate your help.
If you need to reach me by phone my cell phone is the best as I am working outside for most of the day.
208-880-0666

Bruce Malmberg
executor for estate of Patricia Phylis Malmberg