



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 20, 2011

Mahogany Ridge Dairy Farm, LLC
c/o Garth Boehme
PO Box 14
799 Thomas Fork Lane
Geneva, ID 83238

RE: Notice of Change in Water Right Ownership for Rights 11-124, 11-129, 11-142, and 11-143

Dear Mr. Boehme:

In September 2009, you filed a Notice of Change in Water Right Ownership ("ownership change") for four water rights on the Thomas Fork. The new owner was listed as Mahogany Ridge Dairy Farm, LLC ("Mahogany"). You included a number of warranty deeds and a filing fee of \$100 with the ownership change. Because of the complexity of ownership changes in the Bear River basin, the department has been holding all ownership changes. Recently, we have begun to review these ownership changes one at a time to determine whether they can be processed. After reviewing your ownership change, we have determined that it can be completed if the correct filing fees are submitted.

Water Right 11-124

You provided all of the documents needed to complete this ownership change and the correct filing fee (\$25 for a non-split right). The chain of deeds in the file indicates that a 2-acre parcel (in the SWSW of Sec. 26) was split-off from the main parcel in 1989. However, Bear Lake County taxlot records and your deeds show that this 2-acre parcel is now owned by Mahogany. Therefore, the entire water right has been changed into the name of Mahogany. An updated water right record for 11-124 is enclosed.

Water Right 11-129

You have already provided a fairly complete chain of deeds tracing ownership of the SWNE and NWSE of Section 22, T12S, R46E, from John Bischoff forward. The chain of deeds in our file indicates that Mahogany should only receive a portion of water right 11-129. Therefore, the water right must be split. According to Idaho Code § 42-248, the fee to split a water right into two or more pieces is \$100 per water right. The appropriate fee for the ownership change of water right 11-129 is \$100. In September 2009, you paid a total filing fee of \$100 (\$25 per water right). **Before we can complete the split and ownership update for water right 11-129, an additional \$75 must be paid.**

Water Rights 11-142 and 11-143

You have already provided most of the chain of deeds from the original owners of the rights, John and Jacob Tueller forward. There is one deed missing in the chain, from FW Boehme to Boehme Brothers (a partnership). The missing deed was likely executed at some point between 1919 and 1989. It appears that Boehme Brothers partnership (Russell and Virgil Boehme) was made up of FW Boehme's sons. **If you can locate the missing deed, we will add it to the ownership change record.** However, given the other reliable evidence already in the file, we will be able to complete the ownership change without that particular deed.

Mahogany only owns a portion of the property described under water rights 11-142 and 11-143. Derek and Shawnee Boehme own the other portion of the property. Both of the water rights must be split. Mahogany and Derek/Shawnee Boehme will receive a proportionate share of each water right based on the number of acres owned under the original place of use of the right. As stated above, the fee to split a water right into two or more pieces is \$100 per right. Therefore, the appropriate fee for the ownership change of rights 11-142 and 11-143 is \$200. In 2009, you only paid \$50 (\$25 per water right) to update the ownership of these rights. **Before we can complete the water right split and ownership update for water rights 11-142 and 11-143, an additional \$150 must be paid.** The ownership for both portions of the rights (Mahogany and Derek Boehme) can be updated the same time. You may want to contact Derek and Shawnee Boehme to see if they are willing to share the cost of the additional fee for splitting the ownership of these rights.

To summarize, it appears that the ownership records of the water rights listed above can be updated to be in the name of Mahogany. The ownership change of water right 11-124 has been completed. We found that the other three water rights (11-129, 11-142, 11-143) must be split into multiple parts. This will require an additional fee of \$75 per split water right. **In total, an additional \$225 is due.** Part of this additional fee could be shared by Derek and Shawnee Boehme who are also pursuing an ownership change for their portion of water rights 11-142 and 11-143 (and have not yet paid any fees). We will complete the ownership changes as soon as the additional fees are paid. If we do not receive a response to this letter, we will return your ownership change for the three remaining rights and refund your filing fee for those rights. Please feel free to contact me with any questions you may have.

Sincerely,



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

Cc: Derek and Shawnee Boehme (42145 US Highway 89, Geneva, ID 83238)

Note to D & S Boehme: Your ownership change also includes water right 11-144. A filing fee of \$25 (non-split right) must be paid before the ownership for 11-144 can be updated.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 11-124

WATER RIGHT NUMBER: 11-124

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EPHRUM HERZOY
	, ZZ
Current Owner	MAHOGANY RIDGE DAIRY FARM LLC C/O GARTH BOEHME 799 THOMAS FORK LN PO BOX 14 PO BOX 14 GENEVA, ID 83238 (208)847-2036

Priority Date: 04/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
THOMAS FORK	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

THOMAS FORK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	46E	26											40.0						40.0
12S	46E	27															40.0		40.0
12S	46E	35							40.0	40.0									80.0

Total Acres: 160

Conditions of Approval:

1. Point of Diversion not defined in decree.

Comments:

1. jcefalo 9/20/2011 POU
Comment: Correct place of use for water right identified through ownership change documentation.



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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 2, 2009

MAHOGANY RIDGE DAIRY FARM LLC
799 THOMAS FORK LN
PO BOX 14
GENEVA ID 83238

RE: Change of Ownership for Water Right 11-124, 11-142, 11-143 & 11-129

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you.

After review of these water rights we have determined the ownership change cannot be processed at this time. We will hold the Notice of Change in Water Right Ownership until a field exam can be completed in the Bear River basin. It is possible that additional fees may be needed as it appears a couple of the water rights may need to be split. However, we will request the additional fees when it is possible to make that determination.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Bobby Kern
Office Specialist II

Enclosure(s)

X6597

11-124 no pay

6259

11

FORK

Fork

6563

X6735

11-1086
no top
change
fork

Sec
15

THOMAS

11-142

11-143

BEAR LAKE CO

LINCOLN CO

JEEP

TRAIL

6980

25

36

36

6667

R 45 E
R 120 W

23

THOMAS

11-130

no top
change

Sec
22

11-129
11-130

Geneva

BEAR LAKE CO

LINCOLN CO

T 28 N
T 27 N

JEEP

BM 6202

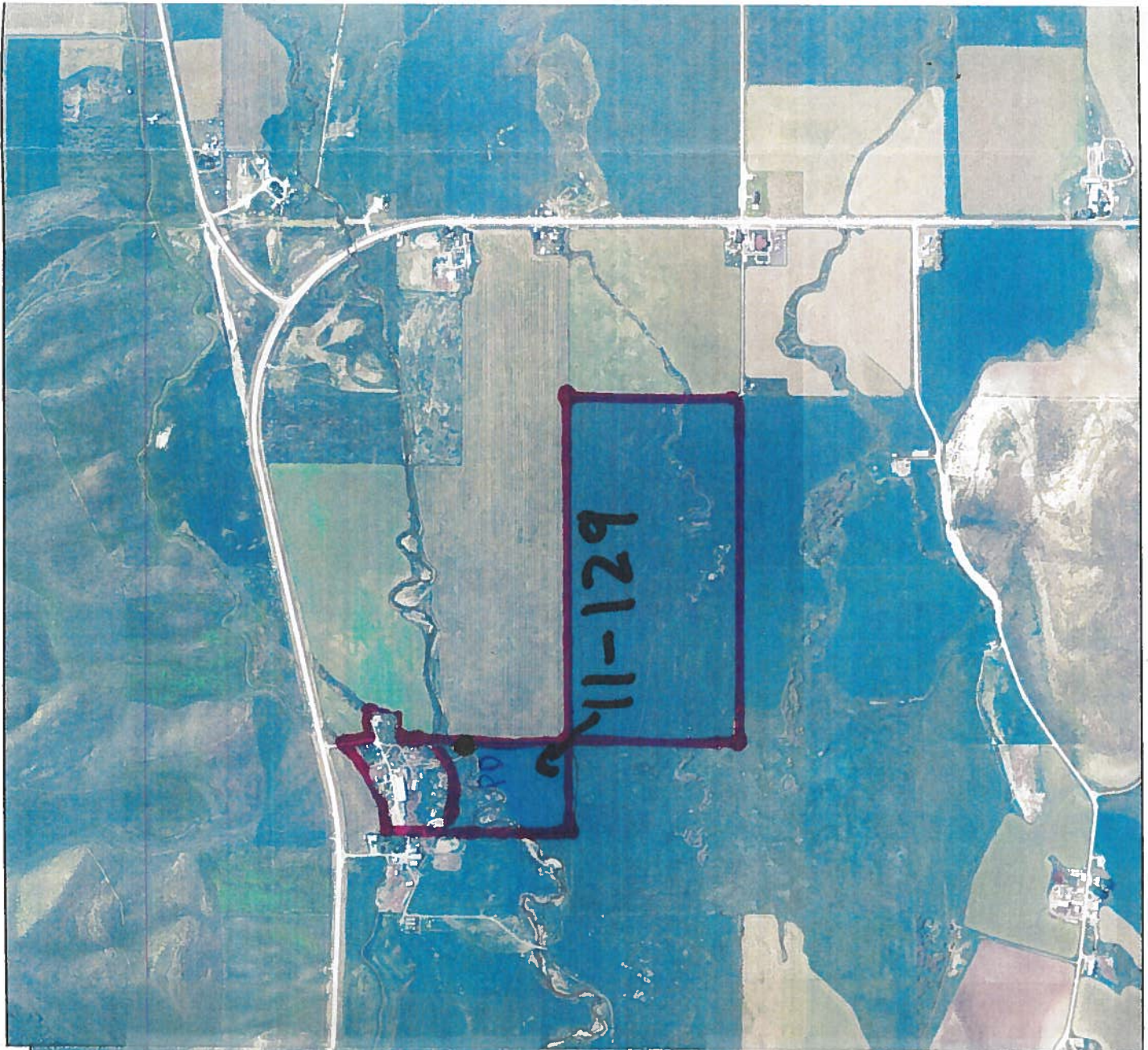
Gravel
Dirt



USDA FARM SERVICE AGENCY
BEAR LAKE COUNTY FSA
FARM 1961, TRACT 5664

February 13, 2009

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.





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USDA FARM SERVICE AGENCY
BEAR LAKE COUNTY FSA
FARM 277, TRACT 315

May 27, 2009

Field Boundaries

Wetland Determination Identifiers:
● Restricted Use ▲ Limited Restrictions
■ Exempt from Conservation Compliance Provisions

1:13,314

0 1,100 2,200 4,400 Feet



Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

11/21

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