



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 4, 2011

Joel and Belva Andersen
2791 North 3375 West
Moore, ID 83255

RE: Notice of Change in Water Right Ownership for Water Rights

34-60, 34-259, 34-738, 34-2412C, 34-10584, 34-13562, 34-971, 34-10599 and 34-10594

Dear Mr. and Mrs. Andersen:

In June 2011, you filed a Notice of Change in Water Right Ownership ("ownership change") for the nine water rights listed above. Included with the ownership change was a copy of a warranty deed from Ann Stocks Andersen Johnson to Joel and Belva Andersen. The deed described two separate pieces of property, one located in Section 1, T03N, R26E, and one located in Section 16, T04N, R26E. This letter is meant to describe the problems associated with the ownership changes and suggest steps you can take to bring the ownership changes to successful completion.

First, I will address the water rights in Section 1, T03N, R26E. The rights located in the SE1/4 of Section 1 are 34-971 and 34-10599. Right 34-971, in the name of Penny Whetstone and Lois Allen, falls entirely within the property identified in the Johnson>Andersen deed. Therefore, the ownership change has been completed on right 34-971. A copy of the updated water right report is enclosed.

The other water right in Section 1, 34-10599, is a domestic/stockwater right also in the name of Penny Whetstone and Lois Allen. The Johnson>Anderson deed contains a specific exclusion for a parcel of property in the northeast corner of the SE1/4 of Section 1. See the enclosed map. The only home located within the SE1/4 of Section 1 falls within the deed exclusion and is not covered by the deed. Evidence suggests that the domestic/stockwater right is associated with that home. We cannot complete the ownership change for 34-10599 until you provide evidence that you own the parcel in the northeast corner of the SE1/4, or that water right 34-10599 is not associated with the only home in the SE1/4.

Next, I will address the water rights located in Section 16, T04N, R26E. The Johnson>Andersen deed describes the NENW and SENW of Section 16. The water rights located within these two quarter-quarters are 34-60, 34-2412C, 34-13562, and 34-10594. Rights 34-60, 34-2412C, and 34-13562 are for irrigation and include acres in the NWNW of Section 16. The rights also cover acres on the east side of the Big Lost River. The Johnson>Andersen deed does not include the NWNW of Section 16, and specifically excludes the land on the east side of the river. Therefore, water rights 34-60, 34-2412C, and 34-13562 must be split. The fee for splitting water rights is \$100 per water right. Your ownership change only included a fee of \$225

(9 rights x \$25 per right). I have included a map showing the water right place of use for rights 34-60, 34-2412C, and 34-13562. It is possible that you actually own the entire place of use and the rights do not need to be split. If you do own the entire place of use, please provide deeds showing ownership of the NWNW of Section 16 and the land on the east side of the river.

Water right 34-10594 is a domestic/stockwater right in the name of Larman and Ann S Andersen. The water right place of use is the SENW of Section 16. There is only one home located in the SENW of Section 16. Evidence suggests that the domestic/stockwater right is associated with the home. The Johnson>Andersen deed contains an exclusion for a 3.13 acre parcel that appears to cover the home and yard property. We cannot complete the ownership change for 34-10594 until you provide evidence that you own the parcel associated with the home or that water right 34-10594 is not associated with the home.

Water right 34-10584 is a domestic/stockwater right located in the NWNW of Section 16. The Johnson>Andersen deed does not include any property in the NWNW. If you would like to update the ownership for right 34-10584, please provide a deed showing ownership of the associated home or property within the NWNW.

Finally, water rights 34-259 and 34-738 are no longer valid water right numbers. In the Snake River Basin Adjudication, the rights were split into multiple parts. You already own a split portion of these rights (34-259E and 34-738D). Larman Anderson and Ann S Andersen are also listed owners on a portion of these water rights (34-259F and 34-738E). These two Ann Andersen water rights are located in the NWSW and SWSW of Section 4, T04N, R26E. The Johnson>Andersen deed does not include any property in Section 4.

To summarize, given the evidence of ownership submitted, we are only able to update the ownership of water right 34-971 at this time. Water rights 34-10594 and 34-10599 are domestic/stockwater rights. It is not clear from the deed provided whether you own the homes that appear to be associated with these rights. Water rights 34-60, 34-2412C, and 34-13562 cover more property than described in the deed provided and will likely need to be split. The fee for updating the ownership of a split right is \$100 per right. Water right 34-10584 is appurtenant to property that is not covered by the deed provided. Water rights 34-259 and 34-738 are no longer valid water right numbers.

At this stage, I have decided to refund \$200 of your filing fee to allow you additional time to investigate property ownership. A refund check from the state of Idaho should arrive within a couple of weeks. Feel free to re-file the ownership change, with the correct filing fee, when additional evidence of ownership is obtained. You may contact me with any questions.

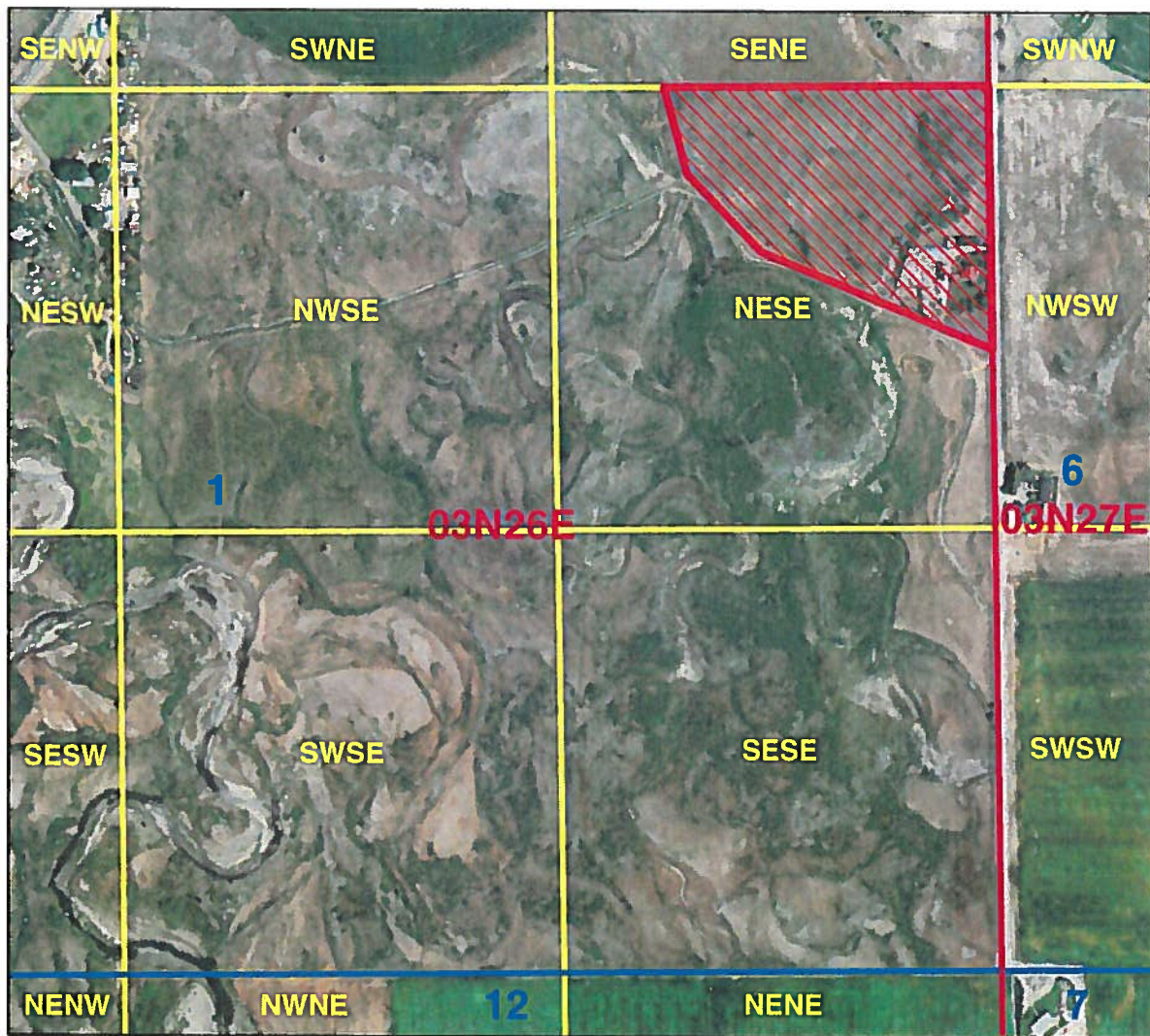
Sincerely,



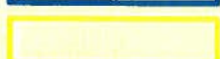
James Cefalo

Water Resources Program Manager

Andersen Ownership Change



Legend

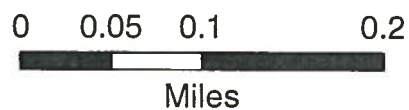
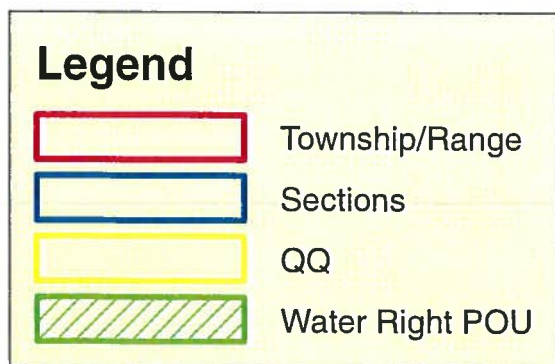
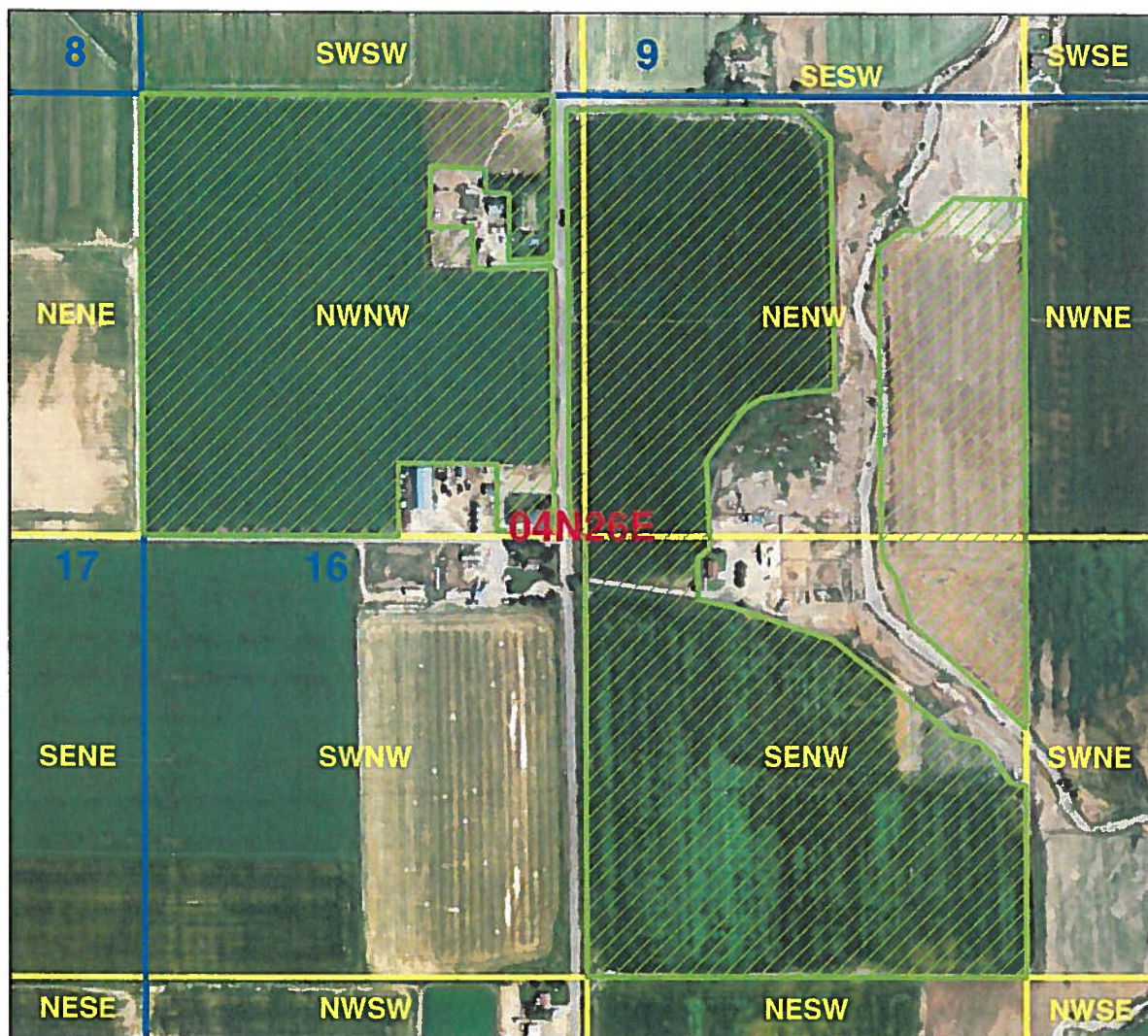
-  Township/Range
-  Sections
-  QQ
-  Exclusions

0 0.05 0.1 0.2
Miles



2011 Aerial Photography
Map prepared on Nov. 4, 2011

Andersen Ownership Change



2011 Aerial Photography

Map prepared on Nov. 4, 2011

Cox, Sharla

From: Cox, Sharla
Sent: Monday, November 07, 2011 7:37 AM
To: Marston, Sascha
Subject: Refund Please - Partial

Sascha, please refund the following:

Receipt # E036780
Amount to be refunded: \$200.00
Payable to:
Anderson Angus Ranch
2701 N 3375 W
Moore Id 83255

Reason: Cannot process 8 water rights for change of ownership. Paid for 9, processed 1.

Thank you.

Sharla

Sharla Cox
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Idaho Department of Water Resources
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