



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 19, 2011

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

RE: Notice of Change in Water Right Ownership for Water Rights: 11-451, 11-453, 11-459, 11-467, 11-468, 11-475, 11-481, 11-484, 11-485, 11-489, 11-490, 11-492, and 11-528

Dear Ms. Torgesen:

In March 2008, you filed a Notice of Change in Water Right Ownership ("ownership change") for thirteen water rights located near Soda Springs. After an initial review of the water rights, we decided that additional documents were needed before the ownership change could be completed. The additional documents requested have never been provided. We recently reviewed some of the older files in our office, including your ownership change, to see if anything could be done to bring them to a resolution. We discovered that the ownership of eleven of the water rights could be updated immediately, without additional documents.

The eleven water rights that can be updated (11-451 thru 11-490) were included in a transfer filed by Robert Torgesen in 1989 (Transfer No. 3457). The transfer was approved in 1989 and changed the point of diversion and place of use for the eleven rights. As I was researching the transfer application and approval, I found that the warranty deeds included with the transfer conveyed the eleven water rights to "Robert K. Torgesen and Nedra C. Torgesen." Therefore, you should have been listed as an owner on the rights in the 1989 transfer approval. Consequently, you do not need to file an ownership change to add your name to the water rights. We have updated the records for the eleven water rights to list you as the current owner of the water rights. Because you have provided a death certificate for Robert, we have listed the rights exclusively in your name. Water right reports for these eleven rights are enclosed.

The other two water rights included in your ownership change (11-492 and 11-528) present a more difficult situation. The warranty deeds conveying these water rights from Corrigan > Thompson > Torgesen list the final owner as Robert K. Torgesen. You were not included by name in the final warranty deed covering those rights. In order to change the water rights into your name, we need legal conveyance documents showing the water rights and/or underlying property passed from the Estate of Robert K. Torgesen to you.

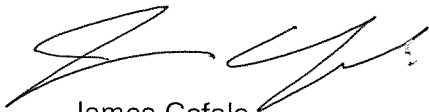
Even if you are able to show that the property passed from the Estate of Robert Torgesen to you, there are still significant challenges in updating the ownership of water rights 11-492 and 11-528. These two water rights are quite expansive and cover parcels that were not

owned by Robert. The 1920 Bear River Decree states that water right 11-492 was used to irrigate 20 acres within a 120 acre place of use description. The 1920 Decree states that water right 11-528 was used to irrigate 145 acres within a 280 acre place of use description. It is difficult to know where the 165 irrigated acres under these water rights were actually located. We will not be able to process any ownership change on these rights until we have more information about the location of the irrigated acres from 1920 to today. In other words, there may be other property owners in the area, who are entitled to a portion of those water rights.

Given these concerns, we cannot process the ownership change on water rights 11-492 and 11-528 without additional information. Rather than hold your ownership change request for these rights into perpetuity, we have decided to return your original ownership change and to refund your filing fee. You will receive a refund of the full original filing fee. As stated above, a filing fee was not needed on the eleven water rights where the ownership has been updated. Because we cannot complete an ownership change on the remaining two rights (11-492 and 11-528) at this time, you will also receive a refund of the filing fee associated with those rights. Therefore, you should receive a refund from the State of Idaho for \$325 in a couple of weeks.

I realize that water rights matters can be quite complicated. Feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Cefalo', with a stylized flourish at the end.

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

Encl: Original Ownership Change
Water Right Reports