

MEMORANDUM

DATE: August 11, 2011

TO:

FROM: Jonie Barg

RE: Change of Ownership 27-7155

On March 14, 2011 the department received 3 ownership changes for water right number 27-7155. The new owner applicant is Peggy Wallace, Leola Roberts, Bill Evans and Joe Brantzeg. During a review of the water right listed above we found this is a water right originally filed by Wallaby's Retreat for 5 cabins owned by Don and Leora Bergevin, Blue Bird Ranch, George and Verna Olsen and Delbert and Nettie Baron) and Irrigation 27 acres. During our review the department found some errors on previous ownership changes that we filed with the department.

Around May 5, 2005 the department received an ownership change from Brent and Marie Chappell. The Deed provided with the application was from Delbert and Nettie Baron to Brent and Marie Chappell and the legal description covered 1 of the cabins listed on the water right. Ownership change was complete by the department.

Around May 25, 2005 the department received an ownership change from Anette Allen. The deeds provided was a full chain of title from Wallaby's Retreat to Anette Allen and the legal description of the deed from Olsen Family Trust to Anette Allen covers a portion of the irrigation water and 1 of the cabins listed on the water right. The deed also included the following statement:

****Also a 1/6 ownership in the water rights covered by Grantor in 70 Creek, Claudes Creek and deep well(together with a 1/6 ownership in the related pump, generator and storage tank) used for irrigation and domestic. ****

****Additional note Olsen deeded to the Olsen Family trust with the same comment on 1/8/2002****

Ownership change was complete.

On May 26, 2005 the department received an ownership change from Charles and Carol Dansie. The deeds provided was a full chain of title from Wallaby's Retreat to Charles and Carol Dansie, however the legal description on the deed from Olsen to Dansie (recorded 1/27/2005) did not cover the place of use of the water domestic or irrigation. The deed from Olsen to Dansie did state the following (the same as the deed from Olsen Family trust to Allen):

****Also a 1/6 ownership in the water rights covered by Grantor in 70 Creek, Claudes Creek and deep well(together with a 1/6 ownership in the related pump, generator and storage tank) used for irrigation and domestic. ****

Because of that and a letter from Racine Olsen Nye Budge and Bailey, the change of ownership was granted to both Dansie and Allen. However Dansie does not own any portion of the water right.

On June 29, 2006 the department received an ownership change from Wallaby's Retreat to Leola Roberts. The application included a full chain of title from Wallaby's Retreat to Leola Roberts and the legal description covered a portion of the place of use of the irrigation. Ownership change was complete by the department.

Around June 19, 2006 the department received an ownership change from Peggy Barnes. The application included a full chain of title from Wallaby's Retreat to Peggy Barnes and the legal description covered a portion of the place of use of the irrigation. Ownership change was complete by the department.

After all these ownership changes were complete ownership of water right number 27-7155 had listed the following current owners:

Peggy Barnes
Leola Roberts
Wallaby's Retreat
Charles & Carol Dansie
Brent and Marie Chappell
Anette Allen

After our review it appears the ownership of Wallaby's Retreat should be previous owner and because Charles and Carol Dansie did not ever own the place of use of any of the water right domestic or irrigation and the statement as follows: **Also a 1/6 ownership in the water rights covered by Grantor in 70 Creek, Claudes Creek and deep well(together with a 1/6 ownership in the related pump, generator and storage tank) used for irrigation and domestic. ** was actually given to the Olsen Family Trust prior to the Olsen/Dansie deed; Dansie is not entitled to a portion of this water right. So Dansie will be removed as current owner.

With all the information provided it appears the ownership should be listed as follows(and the ownership changes being complete that were received on March 14, 2011):

original owner	Wallaby's Retreat
current owner	Peggy Barnes & Leola Roberts (R071817B original owner Blue Bird Ranch)
current owner	Joe Bratntzeg et al (R071817A original owner Bergavin)
current owner	Bill Evans et al (R071817C original owner Roberts)
current owner	Brent & Marie Chappell (R071817E original owner Baron)
current owner	Anette Allen (R071817D original owner Olsen)

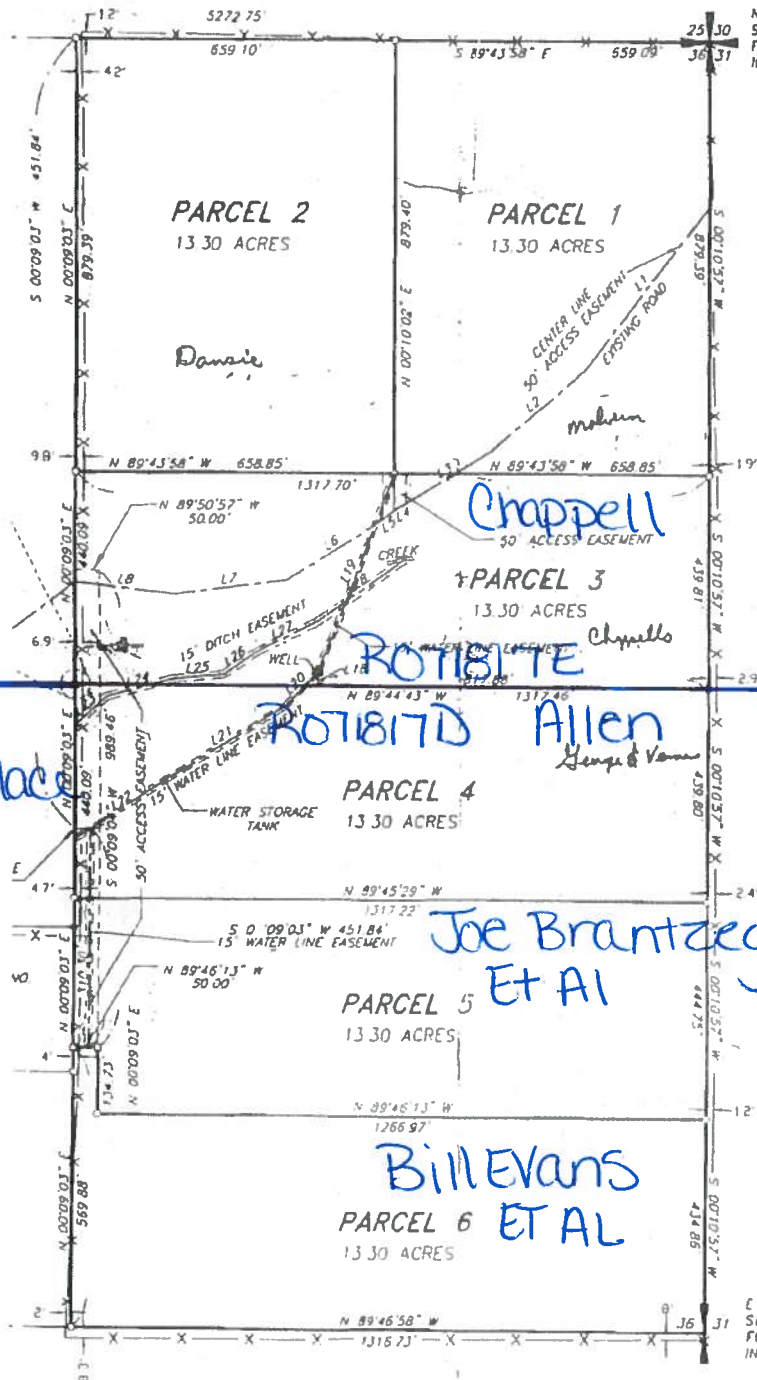
See map attached

THE NE 1/4 OF
SECTION 36, T. 4 S., R. 39 E.B.M.
BINGHAM COUNTY, IDAHO

Harpe

RECORD OF INST. NO. 503439

NORTHEAST CORNER
SECTION 36
FOUND G.L.O. BRASS CAP
INST. NO. 501623



RO71817B
Roberts/wallace

RO71817A
Brantzeg
(et al)

RO71817C
Evan
(et al)

PARCEL 4
13.30 ACRES

PARCEL 5
13.30 ACRES

PARCEL 6
13.30 ACRES

Chappell

RO71817D

Allen
George & Vann

Joe Brantzeg
Et Al

Bille Evans
ET AL

5060

E 1/4 COR
SECTION 36
FOUND G.L.O. BRASS CAP
INST. NO. 501620

25

Point of
Diversion

r071817e.cor

r071818a.cor

r071817b.cor

r071817d.cor

r071817a.cor

r071817c.cor

27.0

T
4
S

Sec

36

R39E

27-07155