



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

September 21, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

JEFFERY L MATKIN
PO BOX 4885
POCATELLO, ID 83205

RE: Water Right Nos. 29-2406, 29-11331, 29-11335, 29-13690 and 29-13691

Dear Mr. Matkin:

The Department of Water Resources acknowledges receipt of your letter dated September 5, 2006 indicating the status of ownership of the water rights referenced above. In your letter, you indicated that the property was sold to Furniss Investments, LLC without water rights.

On May 11, 2006, the Department received a Notice of Change in Water Right Ownership from Furniss Investments, LLC for water rights 29-2406, 29-11331 (part) and 29-13690. The notice was accompanied by a warranty deed for the property, to include appurtenances. Since a water right is considered an appurtenance to the property, the warranty deed would be considered sufficient proof of ownership of the water rights. The warranty deed did not exclude water rights from the conveyance.

If you believe you still own the water rights to the Furniss property, please provide documentation indicating your ownership of the water rights. Otherwise, the Department will update the water right records to show the new owner.

On May 25, 2006, the Department received a notice from Linda Cantrell for water rights 29-11331 (part) and 29-13691. The notice was accompanied by a quit claim deed conveying property from Jeffery Matkin to Jill Matkin and further conveyances from Jill Gordon (formerly Jill Matkin) to other parties. Your letter did not address ownership of the water rights associated with the property. The Department intends to process the change on the basis that water rights convey with the property. The quit claim deed from Jeffery Matkin did not exclude water rights from the conveyance.

Regarding 29-11335, the Snake River Basin Adjudication Court decreed the right as "disallowed" on November 3, 2004. The right is not a valid water right and no changes will be made to the record.

The Department will hold further action on the Furniss property for 30 days to allow you time to submit documentation of ownership. Please feel free to contact me at 208-287-4948 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Peppersack".

For Jeff Peppersack, Manager
Water Right Permits Section

JP:ka

cc: Furniss Investments, LLC
Linda Cantrell