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AUG 16 2004

Department of Water Resources

Washington County Title Co.

35 West Idaho St.
Weiser, ID 83672

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August 13, 2004

Ms. Roxanne Brown
IDWR Western Region
1301 North Orchard St
Boise, ID 83706

RE: Decreed Water Right 67-11378 Rowan/Weldon)

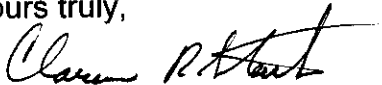
Dear Ms. Brown,

Enclosed is a copy of a letter from Kari Lynn Townsend referencing a water right transfer. It appears from my searching that the original decree may have a typographical error referring to the range in the legal. All the property that Rowan's owned was in Section 25, Township 11 North, Range 6 West of the Boise Meridian. Rowans have never owned or had an interest in any property in Range 5 of Section 25, Township 11 North. Even if they did, I am not sure how a person would transport domestic water a distance of 6 miles to the place of use.

I seek your advise on the easiest way to correct the situation. I do not have any information as to how the original error might have been created. I can document the ownership of the lands during the time periods necessary to create priority.

Thank you for your assistance.

Yours truly,



Clarence R. Stark



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 21, 2003

WASHINGTON COUNTY TITLE CO
ATTN: CLARENCE STARK
35 W IDAHO ST
WEISER ID 83672

RE: Change in Ownership of Decreed Water Right 67-11378 (Rowan/Weldon)

Dear Mr. Stark:

The Department of Water Resources acknowledges receipt of the additional information you submitted in support of the Notice of Change in Water Right Ownership filed on March 10, 2003 for the water right referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right(s) with a place of use different than the property as described in the documentation you originally submitted. The legal description in your data shows Range 6W, however the decreed water right shows Range 5W.

In order to process this change in ownership, we need documentation to show that your buyers own the water right(s) or the property described as the place of use for the water right(s). If you believe that the SRBA Court issued the partial decree(s) with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Please contact Roxanne Brown of this office at 327-7900 if you have questions related to the SRBA. Ms. Brown can assist you with the SRBA Court's processes.

As additional alternatives, you could pursue one of the following options with the Department.

- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please note that a water right permit is not required for certain domestic uses from a ground water source.
- 2) Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

Please let us know within 30 days how you plan to proceed. If we do not hear from you within 30 days we will return your Notice of Change in Water Right Ownership and all attachments and refund any fees submitted with your notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

Kari Lynn Townsend
Secretary

KLT:k

cc: Roxanne Brown, IDWR

SPRING	NESE	Sec. 25	Township 11N	Range 06W	WASHINGTON County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract
11N	06W	25		NESE									

Place of Use Legal Description: DOMESTIC WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract
11N	05W	25		NESE									

*MOST LIKELY A TYPO
PROBABLY SHOULD BE 06.*

Conditions of Approval:

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1.	Explanatory	PARCEL NO. 11N06W257220 STOCKWATER, 50 RANGE CATTLE & HORSES
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[Close](#)**IDAHO DEPARTMENT OF WATER RESOURCES**
Water Right Report

06/09/2004

WATER RIGHT NO. 67-11378

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CRAIG ROWAN
Current Owner	TENSIE ROWAN
	737 JENKINS CREEK RD
	WEISER, ID 83672
	(208)549-2192

Priority Date: 12/31/1918

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.02 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion: