



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 28, 2021

THE BROWER FAMILY TRUST
4550 N US HWY 93
MACKAY ID 83251-4400

Re: Change in Ownership for Water Right No(s): 34-328A

Dear Water Right Holder(s):

The Department of Water Resources (Department) received correspondence changing ownership a portion of the above referenced water right(s) to Terrell Ray Warner, however in 2019 an ownership change was complete for all of the above mentioned water right going to The Browner Family Trust.

According to the review conducted by the department for ownership change received on September 18, 2020, the evidence of ownership, the deed for the property sold to Terrell Ray Warner predated the Deed of water right submitted for The Brower Family Trust. Because the deed to Mr. Warner came before your deed for the water right only a split would be required. There are 2 other parcels in question owned by Mountain States Properties LLC and Lost Water LLC, please provide copies of those deeds as well in order for the department to determine whether or not they would also be entitled to portion of the water right listed above.

If you believe you are entitled to the entire water right, additional evidence of ownership indicating your ownership in the entire water right prior to Terrell Ray Warner being deeded his property will be require. Also a transfer application may be required to move the water right solely on your property.

The department will hold processing this application until you have a chance to review the information. If you feel this is an error please provide the department with additional evidence of ownership or this water right will be split. Please contact our office within 30 days so our office can process the information that has been provided. If the department does not hear from you within 30 days the water right listed above will be split to give Terrell Ray Warner his proportionate share of the water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: Terrell Ray Warner
Racine Olson