



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

December 12, 2013

CONSOLIDATED FARMS INC
DBA ELK MOUNTAIN FARMS INC
ATTN ED ATKINS
822 BUDWEISER LOOP
BONNERS FERRY ID 83805

RE: Application for Transfer of Water Right 98-7080
Notice of Change of Water Right Ownership

Dear Ed:

Thank you for the update regarding the proposed transfer of Right 98-7080. This application was received 08-27-2002 requesting the following:

- change point of diversion
- remove power use
- change ownership of the right.

As we discussed, I have enclosed a Withdrawal of Application for Transfer of Water Rights form due to ongoing issues with the Forest Service regarding access or ownership to the proposed point of diversion identified on the transfer application.

I have also enclosed a Notice of Abandonment of Water Right form if you choose to abandon the power use portion of Right 98-7080 as noted on the transfer application. You must describe the portion of the right specifically being abandoned if you submit this form. You are not required to take any action on this matter unless you simply want to reflect actual water uses now.

I have also enclosed a Notice of Change in Water Right Ownership form to update ownership of the water right record to the current property owner. Please include the required conveyance documents reflecting the correct business entity name and address. This action will also update the address of any other water right records in the same name.

No fee is due for the ownership change. The transfer application fee paid was \$100.00 and the ownership change fee is only \$25.00. When the completed forms are received, the original receipt will be updated to reflect the change and a refund of \$75.00 will be returned.

For your reference I have included a copy of the Water Right License with a couple of pages from the licensing field report (map & photos), and a photo layout from our geographic information system (GIS) representing the right as currently authorized.

Please note that our current direction regarding transfers does not require a transfer for:

- Refined Descriptions. An application for transfer is not required when a change in the description of the location of the point of diversion or place of use is only the result of improved methodology for referencing and displaying the location, which results in a more accurate description of the same physical location. The department will not

initiate an enforcement action against the water right owner due to the discrepancy between the water right record and the referenced location if the discrepancy is created by better methodology and is not due to a change in the physical location. However, if the water right owner wishes to correct the water right record, an application for transfer or an appropriate amendment will be required, as previously described for correction of errors.

- Partial Relinquishment. An application for transfer is not required to relinquish a portion of a water right such as elimination of a purpose of use or a point of diversion or a reduction in acres and proportional rate. The water right owner should provide a notarized statement of relinquishment including specific identification of the water right(s) and the specific reduction(s).
- Change in Ownership. An application for transfer is not required to change the owner of record for a water right or address of record for a right holder. Changes in ownership or address are to be filed in accordance with Section 42-248, *Idaho Code*, or for adjudication claims in accordance with Section 42-1409(6), *Idaho Code*. However, a transfer application filed pursuant to Section 42-222, *Idaho Code*, accompanied by evidence documenting a change in ownership for a water right, or showing a change in the address of the owner of a water right, satisfies the requirements of Section 42-248, *Idaho Code*.

If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail, and I will be happy to assist you.

Sincerely,



Pamela S. Skaggs
Water Rights Supervisor

Enclosures