



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER - Governor

Gary Spackman - IDWR Interim Director

September 10, 2012

Rulon Wistisen
1180 Old Highway 30
Bancroft, ID 83217

RE: Notice of Ownership Change for Rights 11-931, 11-933 and 11-934

Dear Mr. Wistisen:

In 2002, you filed a Notice of Change in Water Right Ownership for three Bear River water rights (11-931, 11-933 and 11-934) delivered through the Nuffer Ditch and Miller Ditch. The 1924 Decree describing these rights is vague as to the location of the acres irrigated under the rights. For example, water right 11-931 describes 200 irrigated acres within a 400-acre place of use. Today, there are multiple property owners within the 400-acre place of use. The historic deeds do not mention how the water rights are to be divided. For this reason, the Department could not (and cannot) process your ownership change. The ownership change has simply been held for the last 10 years.

As you are aware, in April 2011, I met with the water users from the Nuffer Ditch, hoping to resolve some of the ownership questions on the ditch. I proposed that the property owners simply execute a brand new water rights agreement, setting forth how the various rights in the Nuffer Ditch should be split up. The proposal seemed to be favorably received. However, no further action was taken by the water users on the idea. Another alternative would be to have a civil court address the ownership issues.

The fact that we cannot update the water right records at this time does not mean you do not own the water rights. You may very well own all or a portion of these water rights. However, given the documents available to the Department, it is not possible to determine what portion of the rights you own. It is not proper for the Department to continue to hold your filing fee for ownership changes that cannot be completed at this time. Therefore, I have requested a refund of your original filing fee (\$300 – Receipt C061589). A check from the state of Idaho should arrive in two weeks. Please contact me if you have any questions about these water rights.

Sincerely,

James Cefalo
Water Resources Program Manager
IDWR – Idaho Falls

Cox, Sharla

From: Cox, Sharla
Sent: Tuesday, September 11, 2012 8:58 AM
To: Marston, Sascha
Subject: Refund Please

Sascha, please refund the following:

Receipt #C061589
Amount of Refund: \$300.00
Payable to:
Rulon Wistisen
1180 Old Highway 30
Bancroft ID 83217

Reason: Change of Ownership – Not able to process, not enough information.

Thank you.

Sharla

Sharla Cox
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