



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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June 22, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Shelley M. Davis
BARKER ROSHOLT & SIMPSON, LLP
P.O. Box 2139
Boise, ID 83701-2139

Re: Notice of Change of Ownership
Water Right Nos. 65-585, 65-586, 65-587, and 65-7094

Dear Ms. Davis:

I received your letter dated June 12, 2012. The letter discusses a change of ownership for water right nos. 65-585, 65-586, 65-587, and 65-7094, submitted by you on behalf of your client, Emerald Forest Products, Inc. (EFP). As stated in a letter you received from Department's counsel, and consistent with the documents provided by EFP, the Department will change ownership to EFP as to water right no. 65-7094, plus a portion of water right no. 65-586, sufficient to allow a total combined diversion rate from the well that is the point of diversion for water right no. 65-7094 of 150 gallons per minute, or 0.33 cfs.

As for the remainder of water right no. 65-586 and the whole of water right nos. 65-585 and 65-587, the Department will not process change of ownership. This is because the documents submitted by EFP do not conclusively establish that EFP is the owner of those water rights. The Department also understands there is a dispute with other parties as to ownership of the remainder of water right no. 65-586 and the whole of water right nos. 65-585 and 65-587.

The Department does not adjudicate or quiet title to establish ownership of water rights. Adjudication of water rights or determination of water right ownership is vested in the courts. Once ownership of the contested water rights is established by a court, or an agreement is reached, the Department will reexamine the request for change of ownership.

Sincerely,

Gary Spackman
Interim Director

cc: Kyle Yearsley, Boise Cascade
Bruce Smith, Moore Smith Buxton & Turke