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December 22, 2010

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED
DEC 27 2010
DEPARTMENT OF
WATER RESOURCES

Re: *Notice of Change of Water Right Ownership*
Water Right Nos. 13-885B, 13-886B, 13-887B and 13-889D

To Whom It May Concern:

Please find enclosed the original and one copy of a *Notice of Change in Water Right Ownership* form for water right numbers 13-885B, 13-886B, 13-887B and 13-889D, together with a check in the amount of \$100 for the filing fee. The purpose of this ownership change is correct an erroneous split of water right nos. 13-885, 13-886, 13-887 and 13-889 which occurred previously.

Water right nos. 13-885, 13-886, 13-887 and 13-889 were renumbered from water right nos. 11-825, 11-826, 11-827 and 11-829. I have enclosed a letter from Gary Spackman dated June 18, 1990, explaining that Merrill owned 70 percent and Bosen owned 30 percent of these water rights at that time. I cannot tell from documents available on the IDWR website when these water rights were renumbered and split, but it must have occurred sometime after 1990 because Gary references these water rights with the basin 11 prefix.

In any case, it is clear that the split was in error. Instead of dividing the rights 70/30 between Merrill and Bosen, the split divided the water rights 50/50 between Allen, Merrill, and Westover (13-885A, 13-886A, 13-887A and 13-889C) and TMT, Inc. (13-885B, 13-886B, 13-887B and 13-889D). In addition, the split mistakenly included within the place of use of Bosen's water rights (13-885A, 13-886A, 13-887A and 13-889C) some property owned by Merrill, and included within the place

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of use of Merrill's water rights (13-885B, 13-886B, 13-887B and 13-889D) some property owned by Bosen.

The enclosed *Notice of Change in Water Right Ownership* is intended to (a) correctly identify Merrill Ranch Partnership, LLC, as the owner of water right nos. 13-885B, 13-886B, 13-887B and 13-889D, (b) correctly allocate 70% of the water available under water right nos. 11-825, 11-826, 11-827 and 11-829 to water right nos. 13-885B, 13-886B, 13-887B and 13-889D, and (c) correctly identify the place of use of water right nos. 13-885B, 13-886B, 13-887B and 13-889D to include only Merrill's property.

I have enclosed a table showing how these water rights should properly be split. Miller Family Real Estate, LLC, is the current owner of the Bosen water rights (13-885A, 13-886A, 13-887A and 13-889C) and will also be submitting a *Notice of Change in Water Right Ownership* to correct the split of its 30 percent share of these water rights in accordance with the enclosed table.

Please call if you have any questions.

Sincerely,

T. J. BUDGE

TJB:cr
Enclosures