



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 26, 2012

Thomas Harvey III LLC
129 Stonegate Circle
Ketchum, ID 83340

RE: Notification of conflicting information relating to water right 37-12742

Dear Wateruser:

While reviewing water right records in your area using a geographic information system (GIS) that includes county taxlot information, an inconsistency between the described element(s) of the referenced water right and physical location was identified. (Please see the attached computer generated report of the referenced right from IDWR's database enclosed for your review.)

The right lists the location of the property and point of diversion within the NWNW $\frac{1}{4}$ of Section 25, Township 05N, Range 17E, B.M. Using GIS review it appears the description is incorrect and should be described within the SESE $\frac{1}{4}$ of Section 23, the SWSW $\frac{1}{4}$ of Section 24, the NWNW $\frac{1}{4}$ of Section 25, and the NENE $\frac{1}{4}$ of Section 26, Township 05N, Range 17E, B.M.

To correct this error you have two options to consider:

1. Petition the SRBA court to set aside your partial decree and have it re-decreed with the correct elements.
2. File an Application for Transfer with IDWR to correct the element(s) of the right.

To pursue option 1 you may contact the SRBA Court at 253 3rd Avenue North, P.O. Box 2707, Twin Falls, Idaho 83303-2707 Phone: 208-736-3011 Fax: 208-736-2121

To pursue option 2 you may contact IDWR at the office listed on the letterhead. You may also download the transfer application form and instruction using the following links:

http://www.idwr.idaho.gov/WaterManagement/WaterRights/PDFs/APPLICATION_FOR_TRANSFER_OF_A_WATER_RIGHT.pdf

http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/App_Transfer_Instructions.pdf

Both options have their relative pluses and minuses regarding time and money. Option 1 requires you deal with the SRBA court directly and if you are not comfortable doing it yourself you may need to consult a lawyer. Option 2 requires filing an application for transfer with supporting documents and paying a filing fee (\$200).

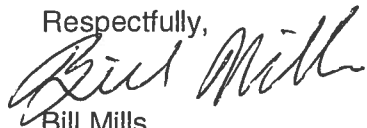
Please note that if you are not listed as the current right holder of record, an ownership change will also be necessary to complete the correction of the record. There is an associated filing fee of \$25 for ownership change. The form for ownership change may be downloaded using the following link:

http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/NOTICE_OF_CHANGE_OF_WATER_RIGHT_OWNERSHIP.pdf

If you take no action to correct the water right record, it is uncertain what potential impact this might have on future ownership questions or actions related to this water right.

If you have questions please feel free to contact this office at 208-736-3033.

Respectfully,

A handwritten signature in black ink, appearing to read "Bill Mills", written in a cursive style.

Bill Mills,
Water Resource Agent
Southern Regional Office

Enclosure