



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

March 11, 2011

Vincent Blaine Benson
Kerry J Benson
2079 W 1200 N
Blackfoot ID 83221

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RE: Change in Ownership Water Right No. 35-7277, 35-7366, 35-7552, 35-13208 & 35-13209

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Filing Fee** of \$25 per water right

**** **Filing Fee** of \$100 per water right for changes resulting from division of a water right

**** **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. I have enclosed a copy of the water right(s) for your reference.

The ownership change form submitted to our department indicated an ownership change for 3 water rights 35-7552, 35-7277 & 35-7366. Water right numbers 35-7277 & 35-7366 have overlapping water rights; water right numbers 35-13208 & 35-13209. In order for the department to complete the ownership change for the overlapping rights additional fees will be required. Water right 35-13208 appears to all be located on the land purchased as per the Warranty Deed provided to the department, so an additional \$25.00 for that water right would be required. Water right 35-13209 is a possible split. The place of use of the water right number 35-13209 covers ground in the SESE of Section 34 Township 1 North Range 32 East; according to the legal description on the Warranty Deed provided to the department your property is not included within that quarter quarter. Please review the map attached if you feel you are entitled to the entire water right, please submit legal documentation indicating your ownership and the \$25.00 to complete the change for that water right. If you believe a split should occur please provide the additional \$100.00 for the split ownership change to occur for that water right.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. Depending on the action requested for water right number 35-13209 a filing fee of \$50.00 (for a non split) or \$125.00 (for a split) will be required.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

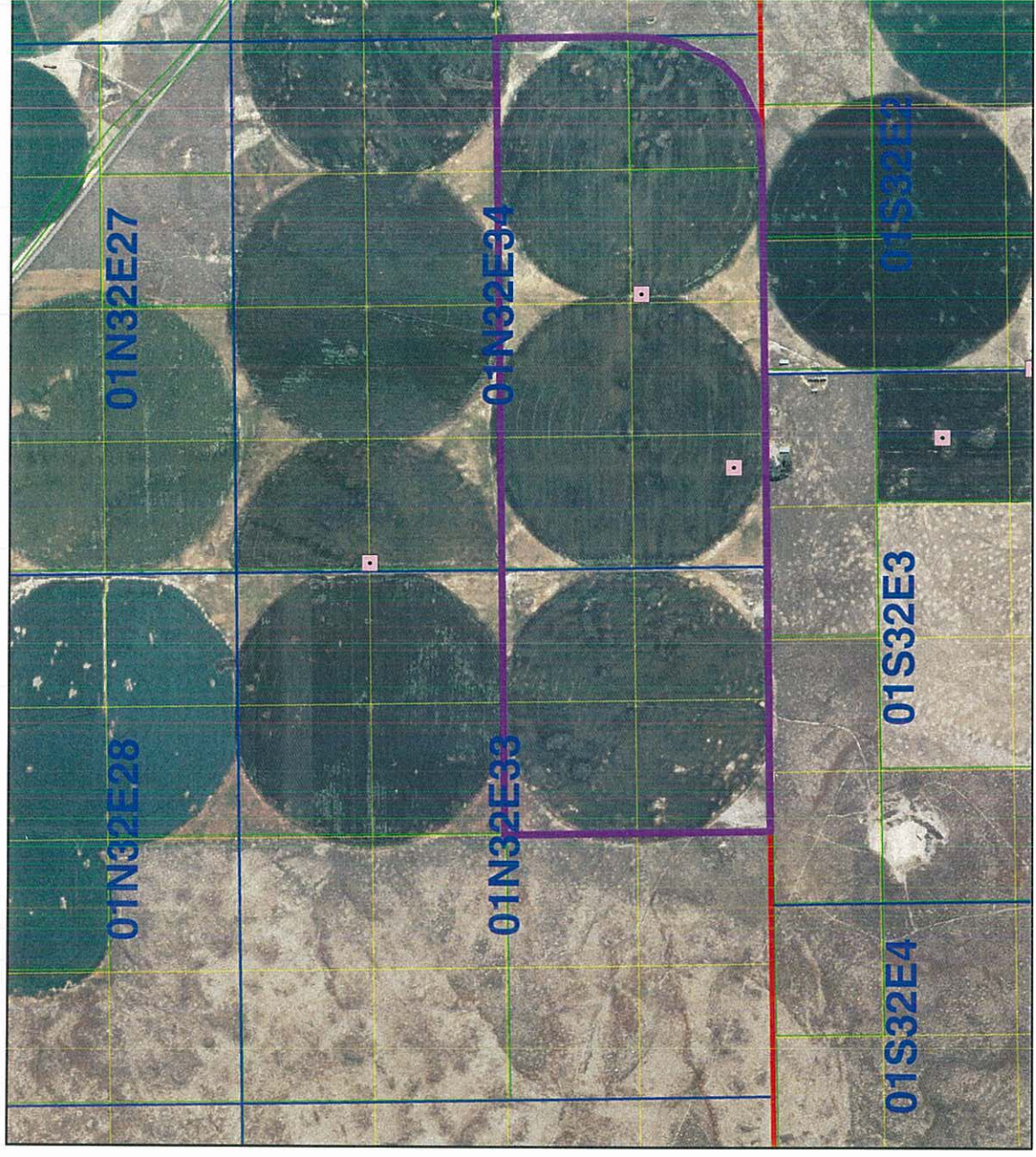
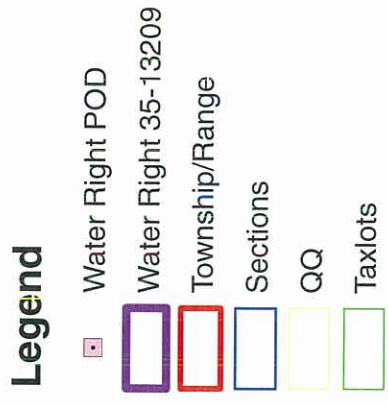
Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

Idaho Department of Water Resources



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Jonie Barg
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