

Barg, Jonie

From: Barg, Jonie
Sent: Monday, November 15, 2010 11:28 AM
To: 'Jim Speck'
Subject: Flying Joseph Ranch LLC Ownership Change
Attachments: Map-Flying Joseph Ranch LLC.pdf

RE: Change in Ownership Water Right No. 73-32, 73-202, 73-7005 (not a valid water right), 73-10020B & 73-11840

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

**** **Signature** (Signature on Ownership Change received via email, before it is mailed to the department)

**** **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 my review I found an ownership change received on June 4, 2010 for water rights 73-11840, 73-10020B, 73-7005 & 73-202. Then the additional ownership change received from you on November 12, 2010 via email. According our records a fee of \$100.00 under receipt number E035869 was received with the June 4 application, however the fee was insufficient for the change. I have completed a review for both ownership changes and my conclusion is as follows:

Water right number 73-7005 is an invalid water right number so the ownership change for this water right number will not be complete, it was renumbered as 73-10020, which was split into 73-10020A and 73-10020B. Water right 73-10020A is in the name of Flying Joseph Ranch LLC and water right 73-10020B is part of this ownership change. According to the place of use of the water right and the property purchased according to the documentation received, a split will be required for this water right and for 73-11840. Please find attached a map showing the place of use of all the water rights in question and the property purchased by Flying Joseph Ranch LLC as well as the exceptions as indicated on the deeds provided, the exceptions appear to cover a portion of the two water rights previously mentioned. Water Right number 73-32 appears to be ok to data enter. Water Right number 73-202 will require additional information. As per the map enclosed there is additional land covered by the place of use of the water right, which is not included as part of the property owned by Flying Joseph Ranch LLC. A portion of the ground appears to be owned by BLM, so a agreement with BLM will be needed. Also the water right is currently in the name of Charles Warren so a full chain of title back to Charles Warren will be required for the department to complete this request.

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. The fee cannot be calculated without additional information. If a split is required for only 73-10020A and 73-11840 the fee will be a total of \$250.00 for 4 water rights. If a split will also be required for 73-202 as well as 73-10020A and 73-11840 the fee will be \$325.00. If you believe no split should be required and you can provide additional information proving ownership in the missing portions of the place of use for the indicated water rights the fee would only be \$100.00. **Remember a check has already been received for \$100.00 for this application, so the fees previously mentioned should have the \$100.00 deducted accordingly.**

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

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls, ID 83402
Phone #: (208) 525-7161
Fax #: (208) 525-7177
Email: jonie.barg@idwr.idaho.gov

Idaho Department of Water Resources

Legend

-  Wilson Property
-  Flying Joseph Ranch LLC Property
-  Place of Use of Water Right 73-202
-  Place of Use of Water Right 73-32
-  Place of Use of Water Right 73-10020B and 73-11840
-  Township/Range
-  Sections
-  QQ
-  Taxlots

Layout Created by:

Jonie Barg

Date:

November 15, 2010

