



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

February 11, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BRENT J WALLE
RT 2 BOX 26
KAMIAH ID 83536

RE: Notice of Change in Water Right Ownership for WR 85-10328

Dear Mr. Walle:

On January 30, 2009, the Northern Region of the Idaho Department of Water Resources sent you a letter notifying you that Dean E. Walle and Jane E. Yeager needed to be added to the notice submitted. The Northern office then forwarded the notice to the state office for processing.

After further review of the documentation submitted, it appears that the property as described on the deed does not match the location of the water right. The water right is located in the *SESW* of Township 33N, Range 3E, Section *15*. The property as described on the deed is primarily located in the *NENW* of T 33N, R 3E, Section *22*. For your convenience I have enclosed the water right report for the above listed water right.

In order to process your change in ownership, we need documentation to show that you own the water right(s) or the property described as the place of use for the water right(s). If you believe that the SRBA Court issued the partial decree(s) with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Please contact Danni Smith of this office at 287-4910 if you have questions related to the SRBA. Ms. Smith can assist you with the SRBA Court's processes.

As additional alternatives, you could pursue one of the following options with the Department.

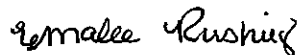
- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please note that a water right permit is not required for certain domestic uses from a ground water source.
- 2) Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly

the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

Please let us know within 30 days how you plan to proceed. If we do not hear from you within 30 days we will return your Notice of Change in Water Right Ownership and all attachments and refund any fees submitted with your notice.

Sincerely,



Emalee Rushing
Office Services Supervisor

Enclosure

C: DEAN E WALLE
JANE E YEAGER
4135 QUITMAN
DENVER CO 80212