



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 6, 2010

Kirt Hansen
Sandra Hansen
2995 N 500 E
Montevideo ID 83435

RE: Change in Ownership Water Right No. 31-11850, 31-11854, 31-11858, 31-11862, 31-11866, 31-11870, 31-11874, 31-11878, 31-11882 & 31-11886

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:

**** **Agreement**

**** **Description of Portion of Water Right** resulting from division of water right

On June 10, 2010 the department received an Application to change the ownership in the above listed water rights. The initial request was to change the entire ownership of one water all the water rights except for one, leaving 2 acre feet for the seller as per the note attached to the ownership change. During a brief review the department found that all the water rights are covered by the same place of use; and a split for all the water rights would be required. On August 5, 2010 our department had begun the process to data enter your request and found it would be almost impossible to proportionately split the water rights with the 317 acres purchased and the 3 acres retained, especially where the water rights have acre limits as low as 11 acres. In order for the department to only split one water right and give the seller only a portion of one water right a signed notarized (recorded if possible) agreement will be required. The agreement needs to be very specific on how much the new buyer will be receiving (water right number, acres, cfs, af, etc) of the water rights in question and how much the seller will be retaining. This can be done only splitting one of the water rights like your original request and if that is done you will be entitled to a large refund.

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.

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)

cc: Dupree Law Office