



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

June 11, 2010

Melvin & Charlotte Gifford
3082 Hwy 30 W.
New Plymouth, ID 83655

Re: Water Right No. 65-3643

Dear Mr. and Mrs. Gifford:

The Idaho Department of Water Resources (IDWR) provides the following information regarding the correct location for the above referenced water right owned by you but still recorded in the name of Collinsworth. You provided a copy of your deed. The deed included detailed survey information for your property that is the subject of the water right.

Please note that Idaho law requires new owners of water rights to file a change in water right ownership with IDWR. This requires a \$25 fee and can include a \$100 late fee. However, the late fee is almost never charged. Also, the ownership change can be accomplished as part of an application for transfer to correct other information for the water right. In that case the \$25 ownership fee is not needed since the applicant already pays an application for transfer fee.

The deed describes your place in Government Lot 5 of Section 6. Government Lot 5 is within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the section (SWNW). Note the attachments in your deed match the survey information plotted on map # 3 in the attached application. The water right record lists the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ (NWSE). Map #2 in the enclosed application shows the incorrect and correct locations.

The water right has always been incorrectly recorded by prior owners, despite several chances for them to correct the error. The mistake is not due to IDWR but instead is clearly attributed to prior property owners. This is not an unusual situation and can be easily corrected by submitting the enclosed application for transfer. An approved transfer will correct the record, update the ownership information and protect your water right, probably enhancing the value of your land. Unfortunately the \$100 application fee is required by law and cannot be waived.

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I hope this provides the information you need to make your decision about what to do. IDWR recommends filing the application to correct the record and protect the water right. However, IDWR typically does not take further action in these "clerical errors" in case you are worried about that.

More IDWR information is available on the Internet at www.idwr.idaho.gov. Please contact me at 334-2190 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Lester".

Steve Lester
Water Rights Supervisor

Enclosure