



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

AUGUST 23, 2006

GERHARD BORBONUS
2251 EMPIRE WAY
BOISE ID 83709

RE: Water Right No(s). 57-2212, 57-7157, 57-7128, 57-7083 & 57-7052

Dear Mr. Borbonus:

The Department of Water Resources has reviewed additional information submitted in support of your Notice of Change in Water Right Ownership filed on May 2, 2006 for the water right nos. referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right(s) with a place of use different than your property as described in the documentation you originally submitted. We have reviewed the additional information and found that it is not sufficient to resolve the place of use discrepancy. A 10-acre parcel in the SWSE of Section 26, T2S, R2W is apparently owned by another party.

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.

- 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.

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.

- 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 to your property description. You would need to provide authorization from the current owner of record (for the 10-acre parcel) before the Department could process the application.

Please contact staff from the Water Right Permits section of this office if you have questions related to filing an application for transfer.

Please let us know within 30 days how you plan to proceed. If you choose not to file a motion with the court for correction or a transfer application with the Department, we can split the water rights upon payment of additional fees in the amount of \$375. 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,

A handwritten signature in black ink, appearing to read "Kara A. Alder". The signature is fluid and cursive, with the first name "Kara" being the most prominent part.

Kara A Alder
Secretary

Enclosure(s)