

Conversation Memorandum

Date: January 26, 2010

To: File 67-7479

From: Craig L. Saxton *CLS*

Subject: Ownership on water right 67-7479

I spoke with Jan Wilkerson (wife of Russell Wilkerson) today regarding the ownership of permit 67-7479.

IDWR is ready to issue license for 67-7479. IDWR received and assignment of permit on 6-16-2007 but it is not clear who has authority to assign the permit (see June 6, 2007 memo by Jeff Peppersack). I explained to Jan that with the available documentation, we would have to either issue the license in the permit holder of record (Wilkerson Brothers), or split the license into three parts based on the property ownership information made available when the Wilkersons submitted in a change of ownership on March 6, 2007, to update the ownership record on SRBA claim 67-7479. The information IDWR received with the change of ownership indicates that the POU for license 67-7479 is applicable to property owned by Gordon Wilkerson, C. Russell Wilkerson, and L K Wilkerson.

I explained to Jan that if they wanted to keep the license in one piece, then IDWR would have to issue the license in the name of "Wilkerson Brothers". However, when IDWR notifies the SRBA court that a license had been issued for permit 67-7479, we could change ownership removing Wilkerson Brothers as the current owner and listing the three property owners, Gordon, Russell, and L K Wilkerson, as the water right owners without splitting the right. I did inform Jan that there would be no additional charge to split the license now into three parts, but if they decide down the road that they want to split the license, it will cost them \$100 per split.

Jan said she did not want to split the license despite that if they change their mind down the road there will be fees associated with splitting the rights. She understood that the license will be issued in the name of Wilkerson Brothers but the records will be updated when forward onto the court.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 67-7479

WATER RIGHT NUMBER: 67-7479

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILKERSON BROTHERS HC 68 BOX 2500 CAMBRIDGE, ID 83610

Priority Date: 02/20/1980

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	13.260 CFS	
	<u>Total Diversion:</u>	13.260 CFS	

Location of Point(s) of Diversion

LITTLE WEISER RIVER	NE1/4SW1/4	Sec. 10, Twp 14N, Rge 02W, B.M.
WASHINGTON County		
LITTLE WEISER RIVER	NE1/4SW1/4	Sec. 1, Twp 14N, Rge 02W, B.M.
WASHINGTON County		
LITTLE WEISER RIVER	NW1/4NE1/4	Sec. 1, Twp 14N, Rge 02W, B.M.
WASHINGTON County		
LITTLE WEISER RIVER	SW1/4SE1/4	Sec. 9, Twp 14N, Rge 02W, B.M.
WASHINGTON County		
LITTLE WEISER RIVER	NE1/4SE1/4	Sec. 10, Twp 14N, Rge 02W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	02W	3											40.0	40.0					80.0
14N	02W	9	40.0	40.0	40.0	40.0					20.0	10.0	20.0	40.0	40.0	40.0	40.0	40.0	410.0
14N	02W	10					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
14N	02W	16		40.0															40.0

Total Acres: 850

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Water Permit Report 67-7479

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Conditions of Approval:

1. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
3. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
4. NO WATER SHALL BE DIVERTED UNDER THIS PERMIT AFTER JUNE 15 OF EACH YEAR
UNLESS BY THE APPROVAL OF THE WATERMASTER.
NO MORE THAN 13.26 CFS SHALL BE DIVERTED UNDER THIS PERMIT.
5. 016 See remarks for additional conditions of approval.

Remarks:Comments:

1. csaxton 12/4/2006 POD
Comment: Correlated PODID 66564 from SpatialDataID 373016 to SpatialDataID 47812

Dates and Other Information:

Permit Proof Due Date: 5/1/1986
Permit Proof Made Date: 6/11/1985
Permit Approved Date: 4/3/1980
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date: 6/21/1988
Date Sent to State Office: 11/5/1999
Date Received at State Office: 11/5/1999
State or Federal:
Owner Name Connector:
Water District Number: 67A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False