



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 5, 2009

HARVEY G SURRENA
MIROS D SURRENA
351 FOUST RD
BONNERS FERRY ID 83805

RE: Transfer Approval 75457 for Water Right 98-7039

Dear Harvey and Miros Surrena,

Your application for Transfer of a Water Right 75457 was processed and approved on 06-25-2009. Upon further review of the process, I found that the ownership documentation submitted with the transfer application is insufficient to verify your ownership of Right 98-7039.

I apologize for the ownership question not being addressed during review of the application. I am seeking your assistance to address this matter so that the transfer approval and change of ownership can remain in place. If sufficient ownership documentation cannot be provided, the transfer approval may be revoked, and the right returned to the original ownership and location.

Acceptable Ownership documentation is described in our Notice of Change of Water Right Ownership form as "A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**" The single page of a Real Estate and Sale Agreement submitted with the application is not acceptable documentation since it is a preliminary document that doesn't confirm a conveyance of property was completed. Also the document was incomplete (page 2 of 7), didn't include a legal description, names or signatures to identify parties and property.

Our current transfer application checklist identifies the following requirements that pertain to the changes proposed under Transfer 75457:

- **#2a** Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.

The water right was in the name of David Foust prior to transfer. Provide documentation transferring ownership of the original property within NWNE, Sec 12,

T62N, R01E to you, or current ownership of the property and documentation transferring ownership of the water right from the current property owner to you.

- **#2b** If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use.

Provide ownership documentation of the new place of use within the NENE, Sec 12, T62N, R01E.

- **#3** Documentation of authority to make the change if the applicant is not the water right owner.

This may have been accomplished through documentation required under #2a & 2b. If not, provide separate documentation that clearly authorizes you to change the water right by the current property holder of the original place of use.

I will withhold any further action regarding this transfer and water right for 30 days to allow you to collect and submit the necessary information. I am also sending a copy of this letter to the previous water right holder of record and the current property owner of the original place of use according to Boundary County assessor's office. Please call me at (208) 287-4951 if you have any questions regarding this letter or my request for ownership information.

Sincerely,



Pamela S. Skaggs
Water Rights Supervisor

Enclosures

Cc: David G Foust