



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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December 22, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOHN T TUCKER
PO BOX 87
GARDEN VALLEY ID 83622

RE: Change in Ownership for Water Right 65-8999

Dear Applicant:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership received 3/13/2006. We apologize for the delay in processing your application. Our review of your application indicates that additional information is required before we can process the change. The information required is indicated below:

X Evidence of Water Right Ownership

During our review we found a discrepancy between the legal description on the quitclaim deed you submitted and the place of use (POU) for the water right. The deed shows a small tract of land in the SE1/4 of the NW1/4 of Township 9N, Range 4E, Section 26. The place of use for the water right is in the SE1/4 of the NE1/4. I have enclosed a copy of the water right and the documents you submitted for your reference.

The quitclaim deed you submitted can not be accepted as proof of ownership of the property because the grantors (Benjamin Russell and Melisa Meaders) do not match the water right owner on file with the Department. Myrna L. Graham was the original owner of the water right. A chain of documents showing ownership that leads from Ms. Graham to B. Russell and M. Meaders is needed.

However, because the recorded POU for the water right is not near the water right's point of diversion, it is possible that an error was made when it was decreed. You may apply for a transfer of the POU (form enclosed), which is \$100. Note that the \$25 ownership change fee can be applied towards this amount. Another option is to file a late claim in the Snake River Basin Adjudication court. This would generate a new water right for the property that you own. I have also included a *Motion to File: Late Notice of Claim* form. The fee to file a late claim is \$50, and again the \$25 fee you've already paid can be applied to this.

The Department cannot process the ownership change without proper documentation. We will hold your application for 30 days pending receipt of the necessary information. Please contact our office within that time to keep your application active.

We apologize for the delay in processing your application. Please feel free to contact the Department if you have any questions.

Sincerely,

Dayna M. Ball
Technical Reviewer
Water Allocations Bureau

Enclosures