



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

November 22, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

UDELL J ROBERTS
2767 HWY 36
OVID ID 83254

RE: Change in Ownership for Water Right No. 11-46

Dear Water Right Holder:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership, submitted on November 4, 2003 for the water right referenced above. Water right 11-46 was decreed by the District Court in 1902 for land in the NW1/4 of Section 4, T13S, R43E. Review of the information submitted with your notice indicates that you own property in the SW1/4 of the same section. Review of the decree indicates that there may be an error in the decreed place of use; however, the Department does not have authority to change the decree issued by the court. The Department cannot process your ownership change because of the discrepancy between the decreed place of use and your evidence of ownership.

It may be possible to change the place of use authorized under the water right through an application for transfer. A transfer generally requires evidence of ownership of the place of use listed on the decree, but could also be accomplished with authorization from the current owner(s) of record for the property described in the decree. If you choose to file an application for transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application.

Another option would be to initiate a private adjudication of water rights in the area to resolve any discrepancies between the previously decreed water rights and actual water use currently existing under the rights.

Please feel free to contact me if you have questions regarding the ownership change or the other options described in this letter. We will hold your notice and attachments for 30 days. If we do not hear from you within 30 days we will return your notice and all attachments and refund any fees submitted with your notice.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt