



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

July 19, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

DAVID M. AND SARAH W. SWANK
1275 W QUARTER DRIVE
EAGLE ID 83616

RE: WATER RIGHT 63-3016R

Dear Mr. and Ms. Swank:

Our office received a change of ownership for you're the water rights for your property. These water rights are 63-32127 and 63-3016R. The \$25.00 fee per water right for a total of \$50.00 was not submitted with the ownership change, therefore, the change of ownership cannot be processed until the \$50.00 fees are received. However, the main reason for writing this letter is to inform you that the ownership change could be accomplished through the transfer process. The former owner, Ingvard Find, did file a water right transfer to move the water from the original well to your existing well. Unfortunately, that transfer has been voided, since he is no longer the owner of the property.

Prior to the subdivision's creation, your property was a part of large farm irrigated from a single well under water right 63-3016. After the property was subdivided, each property received a proportionate share of that water right from that original well. The share of the water right for your property is water right 63-3016R. If the property owner didn't want or have access to the original well, then they were required to file a transfer to change their point of diversion (well) to their private well.

The former owner, Mr. Find, did file a transfer to change his point of diversion to his private well, but processing of the transfer was delayed until the water rights had been recommended in the Snake River Basin Adjudication and the objection period had passed. The objection period passed earlier this year and a letter was sent to Mr. Find on 6/11/2007, to supply a well upgrade fee of \$125.00 to proceed with the transfer. It was discovered during this correspondence that Mr. Find no longer owned the property. We sent a second letter to Mr. Find on 6/14/2007 stating that he needed to contact us about pursuing the transfer within 30 days or the transfer would be voided. Mr. Find didn't contact us within that 30-day period. Therefore, the transfer was voided on 7/16/2007.

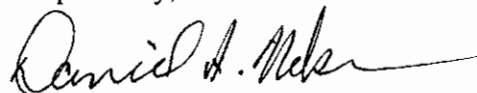
This creates a dilemma for you, since you will either need to continue to use the original irrigation well for your irrigation uses or re-file the transfer to change the point of diversion to your property. It is my understanding that you no longer have access to the original well therefore, if you wish to continue to use this water right, you will need to re-file the transfer. This filing would include a \$100.00 transfer fee and a \$125.00 well upgrade fee in order for our office to process the application. We can process the change of ownership through the transfer process, so the \$50.00 change in ownership fee would not be necessary.

I know that all the above information is a great deal to digest through the letter format, so I strongly recommend that you call and make an appointment with me so we can discuss this situation and I can assist you in filing your application for transfer. I can be contacted at the above address to set up an appointment to discuss these issues.

I have included an application for transfer and informational packet for you if you choose to go with the application for transfer route instead of the change of ownership. Otherwise you will need to submit the \$50.00 change of ownership fee within 30 days of the date of this letter. If you submit the transfer to me within the next 30 days, I can move this application ahead of many others in our backlog, and begin processing it immediately. If the transfer application isn't submitted to me within the 30-day period, it will be processed in the order that it was received. We currently have a very heft backlog of transfers, that could be take several moths to year to complete the review process if it is not returned within the 30 day time period.

If you have any questions or concerns or would like to set an appointment to go over the contents of this letter, please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long horizontal flourish extending to the right.

Daniel A. Nelson
Sr. Water Right Agent