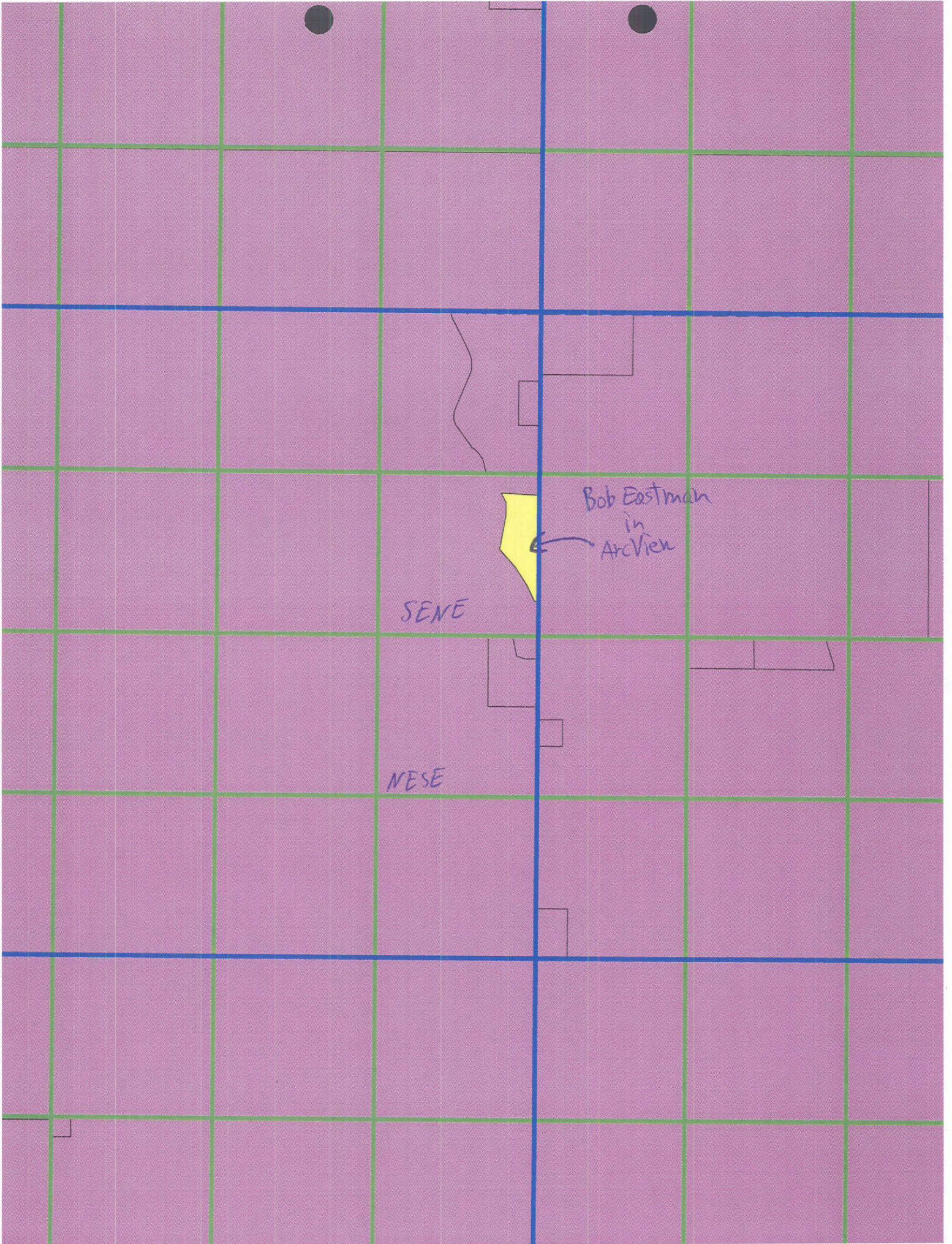




STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
DEC 08 2003
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<i>ground water</i> 47-10704	~~5909~~	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

RECEIVED
DEC 9 2003
 Department of Water Resources

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. 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**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Bobby L. Eastman + Lucy P. Eastman
3669 N 1500 E Buhl, ID 83316
4. New Owner/Claimant(s) Kirk Loomis + April Loomis
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 3669 N 1500 E
- City, State and ZIP Code Buhl, ID 83316
- New Telephone Number 609 543-5449
5. Date you acquired the property 11-12-03

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Kirk Zornis
(include title if applicable) April Zornis

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee \$ 25.00
 Receipted by _____ Date _____ Receipt No. 5026317
 Processed by _____ AJ Date _____ WR _____ Date 12/8/03

RECEIVED

DEC 08 2003

Department of Water Resources
Southern Region

Twin Falls County, Idaho
Recorded for:
FIRST AMERICAN TITLE CO.
04:17pm Nov. 13, 2003
2003-029441
No. of Pages: 2 Fee: \$6.00
KRISTINA GLASCOCK
County Clerk
Deputy: JA

TF36538

WARRANTY DEED

For Value Received **Bob Eastman and Pauline Eastman, Trustees under the Eastman Living Trust dated July 7, 1994**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Kirk Loomis and April Loomis, husband and wife

whose address is: 3669 North 1500 East Buhl ID 83316

Hereinafter called the Grantee, the following described premises situated in **Twin Falls County, Idaho**, to-wit:

SEE "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 12, 2003

Eastman Living Trust dated July 7, 1994

BY: Bob Eastman Trustee
Bob Eastman, Trustee

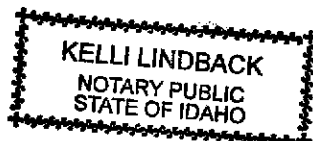
BY: Pauline Eastman
Pauline Eastman, Trustee

RECEIVED
DEC 08 2003
Department of Water Resources
Southern Region

STATE OF IDAHO
)ss.
COUNTY OF TWIN FALLS

On this 12th day of November, 2003, before me the undersigned, personally appeared Bob Eastman and Pauline Eastman, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument as Trustees and acknowledged to me that they executed the same as such Trustees.

Kelli Lindback
Notary Public of Idaho
Residing at: Twin Falls, Idaho
Commission Expires: 01/11/06



Township 10 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho

Section 25: A portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ being more specifically described as follows:

COMMENCING at the Northeast section corner of Section 25, Township 10 South, Range 14 East of the Boise Meridian; Thence South 0°00'00" East 1481.35 feet along the Easterly boundary of said Section 25 to the REAL POINT OF BEGINNING; Thence continuing South 0°00'00" East 873.92 feet to a point on the centerline of an irrigation canal bridge; Thence Northwesterly along the center line of the irrigation canal the following courses and distances;

North 70°47'00" West 43.72 feet;

North 25°15'06" West 141.05 feet;

North 33°31'06" West 188.00 feet;

North 42°35'11" West 183.17 feet;

North 10°23'47" East 283.36 feet;

North 0°10'13" West 99.49 feet;

North 26°25'21" West 90.80 feet;

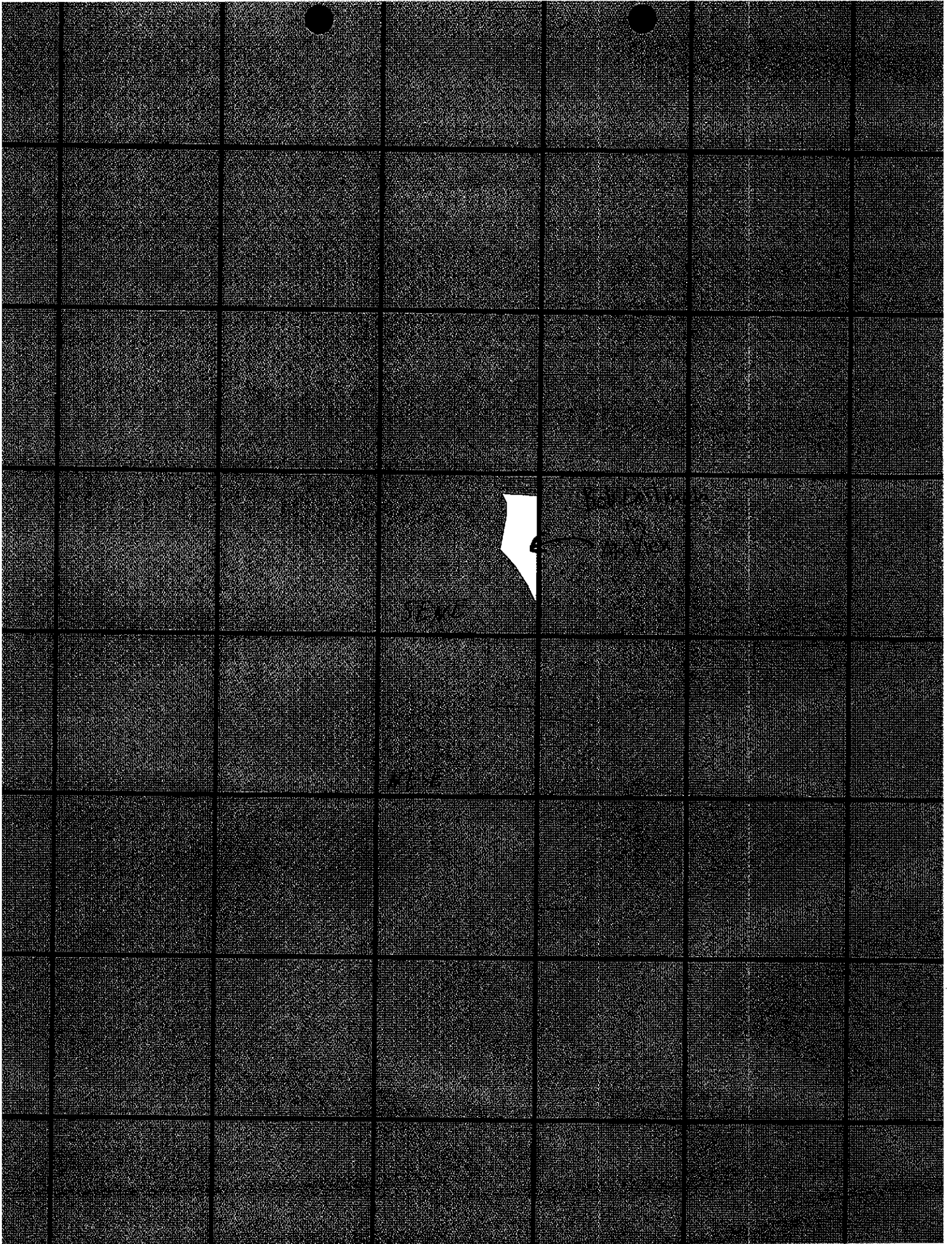
Thence South 86°33'40" East 319.36 feet to the REAL POINT OF BEGINNING.

RECEIVED

DEC 08 2003

Department of Water Resources
Southern Region

(TF36538.PFD/TF36538/19)



FOOTNOTES

1. [illegible]

2. [illegible]

3. [illegible]

RECEIVED

MAR 16 2005

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 MAR 15 AM 10 52

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase 47-10704
	)	(Loomis)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	AND RECOMMENDATION

Findings of Fact

On May 21, 1999, former Presiding Judge Barry Wood entered an uncontested *Partial Decree* awarding a water right to Chester and Mary Noh for .04 cfs of groundwater for year-round domestic use in Twin Falls County with a priority date of March 1, 1977. Kirk and April Loomis, 3669 North, 1500 East, Buhl, Idaho, 83316, wrote to the SRBA Court on January 6, 2005, stating they wanted the Court to set aside the *Partial Decree* because, as the new owners of the property, they learned that the legal description of the place of use was wrong.

The matter was referred to the Special Master on January 6, 2005, with directions to determine the intended purpose and legal significance of the correspondence and to determine whether the correspondence complies with *SRBA Administrative Order I* and the Idaho Rules of Civil Procedure.

A hearing on the Loomis' motion to set aside the *Partial Decree* was held by telephone on February 24, 2005. April Loomis appeared *pro se* and Roxanne Brown represented IDWR. Ms. Brown agreed there was an error in the legal description of the point of diversion and place of use. The Loomises and IDWR filed a *Standard Form 5* on March 8, 2005, correcting the errors.

Conclusions of Law

Kirk and April Loomis have shown good cause under Rule 60(a), Idaho Rules of Civil Procedure, to have the *Partial Decree* set aside and amended to correct clerical mistakes in the legal description of the point of diversion and place of use.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside and an amended partial decree be entered as described in the *SF-5* and the attached *Special Master Recommendation for Amended Partial Decree for Water Right 47-10704*.

DATED March 15, 2005.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 47-10704

2005 MAR 15 AM 10 52

NAME AND ADDRESS: APRIL LOOMIS
KIRK LOOMIS
3669 N 1500 E
BUHL, ID 83316

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/01/1977

POINT OF DIVERSION: T10S R14E S25 SENE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Twin Falls County
T10S R14E S25 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

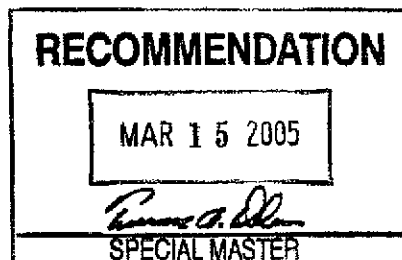
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 MAR 15 AM 10 52

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____))

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

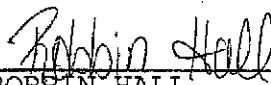
Water Right(s): 47-10704

On March 15, 2005, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 15, 2005.



ROBBIN HALL
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 MAR 15 AM 10 52

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

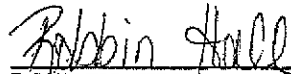
Water Right(s): 47-10704

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 15, 2005, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

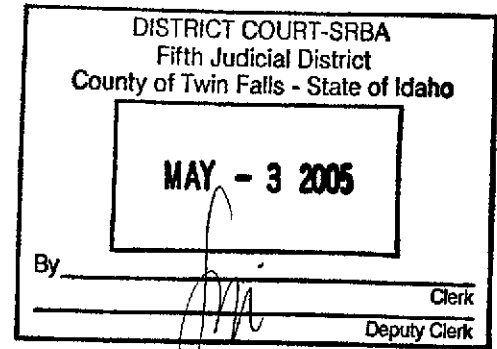
APRIL LOOMIS
KIRK LOOMIS
3669 N 1500 E
BUHL, ID 83316



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
03/15/05



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF AMENDED PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 47-10704
	)	
_____	)	

On March 15, 2005, a *Special Master's Report and Recommendation* was filed for water right 47-10704. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 47-10704 be **decreed** as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*. The previously issued *Partial Decree* is replaced and superseded thereby.

DATED May 3, 2005.

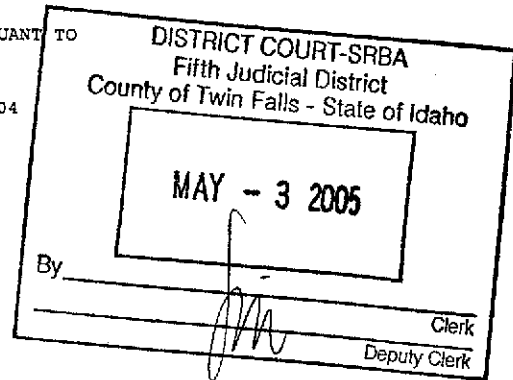

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-10704



NAME AND ADDRESS: APRIL LOOMIS
KIRK LOOMIS
3669 N 1500 E
BUHL, ID 83316

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/01/1977

POINT OF DIVERSION: T10S R14E S25 SENE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Twin Falls County
T10S R14E S25 SENE

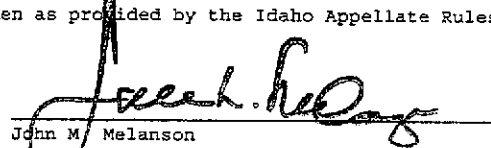
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE was mailed on May 03, 2005, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

APRIL LOOMIS
KIRK LOOMIS
3669 N 1500 E
BUHL, ID 83316

ORDER

Page 1 5/03/05

FILE COPY FOR 00757

Deputy Clerk

Julie Murphy
SCANNED

MAY 05 2005

2005 JAN -6 AM 11:43
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *me*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No.: 47-10704

) ORDER OF REFERENCE TO SPECIAL
) MASTER TERRENCE A. DOLAN
)
)
)
)

On January 6, 2005, this Court received correspondence from Kirk and April Loomis, regarding the above-captioned water right claim. A copy of the correspondence is attached to this **Order**. The original of the correspondence was file stamped, docketed as received, and lodged in the subcase file. Where the water right claim was previously uncontested, a subcase file was created for the correspondence. Where a **Partial Decree** was previously entered for the water right claim, the **Partial Decree** was also included in the subcase file.

THE FOLLOWING ARE HEREBY ORDERED:

1. That Terrence A. Dolan is appointed Special Master to preside over the above-captioned water right claim for the following purposes:

a. To determine the intended purpose of the correspondence and the legal significance of the correspondence, if any. For example, the Special Master may determine whether the correspondence constitutes a motion to correct a clerical error pursuant to I.R.C.P. 60(a), or a motion to set aside a **Partial Decree(s)** pursuant to I.R.C.P. 60(b), etc.;

b. To determine whether the correspondence complies with **SRBA Administrative Order 1 (AOI)** and the Idaho Rules of Civil Procedure or whether additional time should be granted to allow the party to file an appropriate motion with the Special Master and/or to obtain counsel in the matter; whether the matter should be dismissed on its face; or to

determine whether the matter would be more appropriately processed administratively through the Idaho Department of Water Resources;

c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a *Partial Decree(s)* should be set aside or amended, the recommendation should not only include that the *Partial Decree(s)* be amended or set aside, but should also include how the elements of the water right should be partially decreed.

2. The original of this *Order* shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this *Order*.

3. The Special Master shall issue a *Special Master's Report and Recommendation* on the matter consistent with *AOI*.

IT IS SO ORDERED.

DATED January 6, 2005.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE TO SPECIAL MASTER TERRENCE A. DOLAN was mailed on January 06, 2005, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CHESTER R NOH
MARY E NOH
RT 1 3669N 1500E
BUHL, ID 83316
Phone: 208-543-4837

Kirk & April Loomis
3669 N 1500 E
Buhl, ID 83316-6337

ORDER

Page 1 1/06/05

FILE COPY FOR 00757

Deputy Clerk

Julie Murphy

LODGED

To whom it may concern:
1-5-2005

2005 JAN -6 AM 10:27

This letter is a motion to set aside the water right # 47-10704. We (Kirk & April Loomis) received a letter saying that the Warranty Deed that we submitted when we bought the property in November 2003 that was conveyed by Bob & Pauline Eastman was not the correct description. The letter states that the QQ (SENE) of the description is different from the QQ (NESE) of the place of use of water right # 47-10704. The letter also states that the decree might be in error.

The letter said to contact Danni Smith with any questions at #287-4910. She told us that some one probable made an error entering the information into the computer. She told us to write this letter explaining what we know. She also said it may take a while for this matter to be resolved.

Please if you have any questions please contact us at # 543-5449 and we will be glad to help in any way that we can.

Thank You,
Kirk & April Loomis

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 47-10704

NAME AND ADDRESS: CHESTER R NOH
MARY E NOH
RT 1 3669N 1500E
BUHL, ID 83316

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/01/1977

POINT OF DIVERSION: T10S R14E S25 NENESE Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOUSE	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Twin Falls County
T10S R14E S25 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication



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

June 20, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KIRK LOOMIS
APRIL LOOMIS
3669 N 1500 E
BUHL ID 83316

RE: Change of Ownership for Water Right 47-10704

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', is written over a horizontal line.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

~~December 8, 2004~~

Jan 10, 2005

2nd Request

KIRK & APRIL LOOMIS
3669 N 1500E
BUHL ID 83316

RE: Change in Ownership for Water Right No. 47-10704

Dear Mr. & Mrs. Loomis:

The Department of Water Resources acknowledges receipt of the additional information you submitted in support of your Notice of Change in Water Right Ownership filed on December 8, 2004 for the water right no. referenced above. The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right with a place of use different than your property as described in the documentation you originally submitted. We have reviewed your additional information and found that it is not sufficient to resolve the place of use discrepancy. For your reference we have enclosed a copy of the water right.

In order to process your change in ownership, we need documentation to show that you own the water right or the property described as the place of use for the water right. **If you believe that the SRBA Court issued the partial decree with an error in the description of the place of use, you may be able pursue one of the following options with the Court.**

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Please contact Danni Smith of this office at 287-4910 if you have questions related to the SRBA. Ms. Smith can assist you with the SRBA Court's processes.

As additional alternatives, you could pursue one of the following options with the Department.

- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please

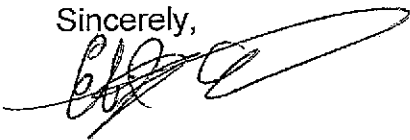
note that a water right permit is not required for certain domestic uses from a ground water source.

- 2) Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or 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. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

 Please let us know within 30 days how you plan to proceed. If we do not hear from you within 30 days we will return your Notice of Change in Water Right Ownership and all attachments and refund any fees submitted with your notice.

Sincerely,



E. Justin Aldridge
Technical Review

Enclosures



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 8, 2004

KIRK & APRIL LOOMIS
3669 N 1500E
BUHL ID 83316

RE: Change in Ownership for Water Right No. 47-10704

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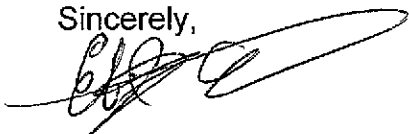
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Technical Review

Enclosures