



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 12, 2006

GLEN OVERTURF
CONSTANCE OVERTURF
19526 HWY 30
BUHL ID 83316

RE: Decreed Water Right No. 47-14532

Dear Mr. & Mrs. Overturf:

The Department of Water Resources has received information in support of your Notice of Security Interest in a Water Right from D. L. Evans Bank for the water right no. referenced above. The Snake River Basin Adjudication (SRBA) Court issued the partial decree describing the water right with a place of use different than your actual property.

In order to process the Notice of Security Interest, we need to clarify the ownership of the lands described in the Partial Decree. It is believed that the SRBA Court issued the partial decree with an error in the description of the place of use and suggest you 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 **208-287-4910** 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.

Constance, I have enclosed a copy of the decreed water right with the legal description of the right highlighted. In addition, I have enclosed a copy of a map showing the tax lot information that we got from the county Internet database showing the lands owned by Bettencourt, Overturf and Pearson.

Please let us know **within 30 days** how you plan to proceed.

Sincerely,



Kari Lynn Townsend
Secretary

KLT:k

Enclosures

cc: D L EVANS BANK
ATTN: RAY PARRISH
PO BOX 87
TWIN FALLS ID 83303