

## MEMORANDUM

**Date:** July 07, 2006  
**To:** Water Right File 34-4035C  
**From:** cclark  
**Re:** Database correction

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The department received a Notice of Ownership Change form on September 13, 2004 from Warm Springs Creek Ranch, LLC. The partial decree issued in the Snake River Basin Adjudication (SRBA) did not correspond with evidence of ownership provided by the applicant, therefore additional information was requested. Upon further review, it was determined that the elements of the water right reflected on the original decree were superceded by a post decree transfer.

The SRBA partial decree was issued on January 2, 1998. Transfer No. 5400 was approved on March 23, 2000 that changed the point of diversion, place of use and ownership. The Period of Use element was then corrected through a Nunc pro tunc order issued on January 28, 2002. Though the department drafted a Notice of Completed Administrative Proceeding (NCAP) after the transfer was approved, it was not filed with the court because NCAPs are not generally processed for water rights that are already decreed. The January 28, 2002 order effected the season of use on the original decree, however, the decree did not capture the changes approved by the transfer.

SRBA staff attorneys agreed that the database should be updated to reflect the changes implemented through the transfer. A copy of the transfer approval has been added to the file along with correspondence regarding the procedural history of the right. The ownership change request should be reviewed based on the right as defined by approved transfer no. 5400.