



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

March 21, 2005 *APRIL 20, 2005*

WARM SPRINGS CREEK RANCH LLC
C/O MARK GATES
600 EMERSON ST
PALO ALTO CA 94301

2ND REQUEST!!

RE: Water Right No. 34-4035C
Change in Ownership

Dear Mr. Gates:

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 September 13, 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.

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. Enclosed at this time is a copy of the partial decree for your review. The remaining eight water rights listed on the ownership change form have been processed separately and you should receive confirmation of that fact shortly.

Sincerely,

A handwritten signature in black ink, appearing to read "Kandice McDermott", with a stylized flourish at the end.

Kandice McDermott
Records Analyst

/klm
Enclosure