



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

October 5, 2005

RUSSELL WILKERSON
3265 HWY 95
CAMBRIDGE ID 83610

RE: Water Right License 67-7420

Dear Mr. Wilkerson:

I am writing in response to your request for some corrections to Water Right License 67-7420. Your first request was that IDWR change the ownership of the water right from Wilkerson Brothers to Charles Russell Wilkerson. There are two options for recording the change in ownership of this water right. The simplest option is to allow the Snake River Basin Adjudication (SRBA) process to confirm ownership of the right. Because you filed SRBA Claim 67-7420 in the name of Charles Russell Wilkerson, the SRBA court will address the ownership of the water right. If you want an immediate change to the license, you must complete the enclosed Notice of Change in Water Right Ownership form and to return it to IDWR with copies of your deed(s) showing that you own the land to which the water right is appurtenant.

You also asked IDWR to correct the place of use described on the water right license. The licensed place of use, which was confirmed by IDWR's field examiner, is as follows:

38 Acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T14N, R2W
35 Acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, T14N, R2W
39 Acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, T14N, R2W
29 Acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T14N, R2W
5 Acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T14N, R2W

I have enclosed a map showing the place of use as it was reported by the field examiner and licensed by IDWR. Please evaluate the map and legal descriptions carefully. If they do not represent the irrigation established during the authorized development period for Permit 67-7420, then please provide aerial photography and other evidence to show how the irrigation use actually was established. The authorized development period for Permit 67-7420 ended on June 11, 1985.

A third issue that you did not mention in your letter is the legal description of the point of diversion from the Little Weiser River. The point of diversion is described on the permit and license as Govt. Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 1, T14N, R2W. Aerial photography from 2004 shows the point of diversion as being just a few feet farther south in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, T14N, R2W,

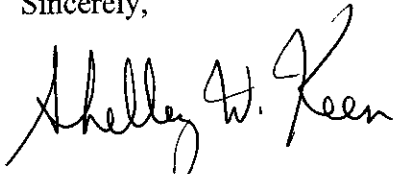
Russell Wilkerson
October 5, 2005
Page 2

and that is how other rights diverted through the same ditch are being recommended in the SRBA. Therefore, IDWR proposes to correct License 67-7420 to show the point of diversion as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, T14N, R2W. Doing so will, however, require that you submit an application to amend Permit 67-7420 because IDWR cannot issue a license that is different than what was authorized by the permit. I have enclosed an amendment form for you to sign and return to IDWR. The statutory filing fee for an amendment of permit is \$50.00.

IDWR will hold your license file for 30 days to allow you to comment and/or provide additional documentation in support of the point of diversion and place of use issues addressed in this letter. If IDWR does not receive a response from you within 30 days, it will be assumed that you do not want any changes to the point of diversion or place of use described on Water Right License 67-7420. A Notice of Change in Water Right Ownership can be submitted to IDWR at any time.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen
Water Rights Supervisor

Enclosures

Cc: Craig Saxton, IDWR Adjudication Bureau