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Department of Water Resources
Southern Region

**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.

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
36-07072					
36-08356					
36-07866					

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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) Pisces Investments, Inc.
P. O. Box 268, Hagerman, ID 83332

4. New Owner/Claimant(s) Seapac of Idaho, Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
P. O. Box 546, Buhl, ID 83316

New Mailing Address _____

City, State and ZIP Code _____

New Telephone Number () _____

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5. Date you acquired the property December 10, 2002

See file 36-07072 for support documentation

6. If the change in ownership affects the entire water right for each water right 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)
(include title if applicable)

[Signature]
Secretary of Idaho, Inc.
[Signature]

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 <i>[Signature]</i>	Date <i>12/1/02</i>	Fee <i>75.00</i>
Receipted by <i>[Signature]</i>	Date <i>12/1/02</i>	Receipt No. <i>50253168</i>
Processed by <i>[Signature]</i>	AJ Date _____	WR _____ Date _____

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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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 36-07866

1997 DEC 29 AM 9:52
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: PISCES INVESTMENTS INC
PO BOX 1906
TWIN FALLS ID 83303-1906

SOURCE: SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 9.00 CFS
6515.8 AFY

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

PRIORITY DATE: 07/11/1979

POINT OF DIVERSION: T08S R14E S06 LOT 8 (SESE) Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	POWER	01-01 12-31	9.00 CFS
			6515.8 AFY
	DOMESTIC 1 HOME & LAWN	01-01 12-31	0.04 CFS
			2.6 AFY

PLACE OF USE: POWER Within GOODING County
T08S R14E S06 Lot 8 (SESE)
DOMESTIC Within GOODING County
T08S R14E S06 Lot 8 (SESE)

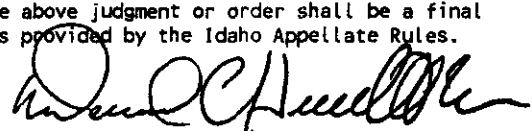
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT SHALL BE JUNIOR AND SUBORDINATE TO ALL RIGHTS FOR
THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF
IDAHO THAT ARE INITIATED LATER IN TIME THAN THE PRIORITY DATE OF
THIS RIGHT AND SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIMS AGAINST
ANY FUTURE RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER,
WITHIN THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE
PRIORITY DATE OF THIS RIGHT.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE 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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07866

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JAN 08 2003

JASON R. MICIAK, P.C.

Attorney at Law

139 River Vista Place, Suite 102
P.O. Box 2632
Twin Falls, Idaho 83303-2632

Phone: (208) 734-5444
FAX: (208) 734-5605
Email: jrmiciak@yahoo.com

36-78100
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MAR 2 2004
Department of Water Resources

January 21, 2004

Director Karl Dreher
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098
VIA FAX: (208) 327-7866

RE: Amendment of Clerical Error in January 9, 2004
Call for water

Dear Director Dreher:

Due to a clerical error in my office, the Department was given the wrong "Bill Jones" water right for which I am making a call for water. I represent the Mr. And Mrs. Bill Jones that claim water right number 36-07071 under the name Deloris D. Jones and John W. Jones Jr. as decreed in the SRBA. The water right is one for 73.05 cfs, of which the Jones state they are receiving around half. The priority date is July 8, 1969. Please note that it is for this water right – and this Bill Jones – that I make our call for water, and not those previously listed.

For better or worse the issues to be decided in the next few weeks are bigger than any single claimant and hopefully this error is easily rectified. I am willing to help your staff in any way to right this situation.

Sincerely,



Jason R. Miciak, P.C.

JRM/anc

MRCE
MAR 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2004

Jason R. Miciak
139 River Vista Place, Suite 102
P. O. Box 2632
Twin Falls, ID 83303-2632

VIA FACSIMILE TO (208) 734-5605 AND FIRST CLASS MAIL

Re: Distribution of Water to Pristine Springs, SeaPac of Idaho, and William D. Jones

Dear Mr. Miciak:

I have reviewed your letter dated January 9, 2004, which was received by the Department of Water Resources on January 12, 2004, in which you demand administration of water rights on behalf of your clients pursuant to Idaho Code, Title 42, Chapter 6. Your demand will be treated as a call for water delivery against junior priority ground water rights under the "Rules for Conjunctive Management of Surface and Ground Water Resources" (IDAPA 37.03.11) ("Conjunctive Management Rules"). The rules are available at the following website:

<http://www2.state.id.us/adm/adminrules/rules/idapa37/0311.pdf>

These rules prescribe how IDWR is to respond to a call for water delivery made by a holder of a senior priority surface or ground water right against the holders of junior priority ground water rights. Rule 40 of the Conjunctive Management Rules prescribes procedures for responding to ~~delivery calls against junior priority ground water rights that are within a water district where~~

[REDACTED]

[REDACTED]

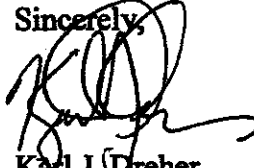
ground water regulation is included in the function of such district. There are two water districts upgradient of the springs supplying Billingsley Creek that regulate ground water diversions. These districts are Water District No. 120 and Water District No. 130.

I am currently writing an order in response to a delivery call pursuant to Rule 40 of the Conjunctive Management Rules against ground water rights in Water Districts Nos. 120 and 130

Jason R. Miciak
January 16, 2004
Page 2 of 2

I anticipate issuing the order described above prior to January 31, 2004. Therefore, I intend to hold your delivery call without further action until after I have issued this order.

Sincerely,



Karl J. Dreher
Director

c: Glen Saxton – IDWR
Tim Luke – IDWR

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MAR 10 2004

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JAN 12 2004

Department of Water Resources

JASON R. MICIAK, P.C.

Attorney at Law

139 River Vista Place, Suite 102 Phone: (208) 734-5444
P.O. Box 2632 FAX: (208) 734-5605
Twin Falls, Idaho 83303-2632 Email: jmiciaak@yahoo.com

January 9, 2004

Mr. Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Delivery of Water to Pristine Springs, Inc.,
SeaPac of Idaho, Inc. and William D. Jones, Jr.

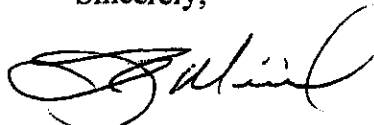
Dear Director Dreher,

This letter will address the only remaining option to the above water users in an effort to preserve their right to use water as outlined in their licenses and decrees. Exhibit one sets forth the senior water rights belonging to the above parties which are experiencing intolerable injury. These water rights are all within Water District 130 which was set up specifically to allocate water by priority under Chapter 6 of the Idaho Code. So far, the water is not being administered in accordance with the prior appropriation doctrine because senior surface water rights are severely diminished while junior groundwater users are pumping at all time highs. This situation cannot continue. As the situation stands, Idaho bears little resemblance to a prior appropriation state and, at least with respect to groundwater, riparian law seems to be in force.

My clients demand that you undertake the obligation lawfully proscribed to you in Idaho Code Title 42 Chapter 6, and administer and deliver water in strict accordance with the prior appropriation doctrine.

My clients are well aware of the complex and difficult nature of their demand, however the law of the State of Idaho is clear and it is their right and obligation to make such a demand. I look forward to hearing from you as to how the Department will carry out its constitutional and statutory duty to my clients.

Sincerely,



Jason R. Miciak, P.C.

JRM/anc
attachment
Cc: Clients

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MAR 10 2004

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07071

200 APR 10 AM 10:19
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: DELORIS D JONES
JOHN W JONES JR
PO BOX 265
HAGERMAN ID 83332

SOURCE: WEATHERBY SPRINGS
THREE SPRINGS
HOAGLAND TUNNEL

TRIBUTARY: BILLINGSLEY CREEK
BILLINGSLEY CREEK
BILLINGSLEY CREEK

QUANTITY: 73.05 CFS

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Department of Water Resources

THE APPROPRIATOR SHALL CONTINUOUSLY ALLOW 6.50 CFS FROM
WEATHERBY SPRINGS TO BE DELIVERED INTO BAR S DITCH FROM THE
OUTLET OF FISH OPERATION DESCRIBED ABOVE FROM MARCH 1 UNTIL
NOVEMBER 1 OF EACH YEAR, AND SHALL CONTINUOUSLY ALLOW 4.00 CFS
FROM WEATHERBY SPRINGS TO BE DELIVERED INTO THE BAR S DITCH FROM
THE OUTLET OF FISH OPERATION DESCRIBED ABOVE FROM NOVEMBER 1
UNTIL MARCH 1 OF EACH YEAR.

PRIORITY DATE: 07/08/1969

POINT OF DIVERSION: T07S R14E S30

SESENW
SENESEW

Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
FISH PROPAGATION

PERIOD OF USE
01-01 12-31

QUANTITY
73.05 CFS

90 RACEWAYS

PLACE OF USE: FISH PROPAGATION
T07S R14E S30

Within GOODING County
NESW

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

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. SECTION 42-1412(6), IDAHO CODE.

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.

B. Wood

BARRY WOOD
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07071

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TOTAL P.02

MAR 10 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7072

WATER RIGHT NUMBER: 36-7072

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PISCES INVESTMENTS INC 3069 OSTER LAKES RD HAGERMAN, ID 83332 (208) 837-8541
Current Owner	SEAPAC OF IDAHO INC PO BOX 546 BUHL, ID 83316 (208) 326-3100

Priority Date: 09/05/1969

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
THOUSAND SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01 to 12/31	148.200 CFS	
<u>Total Diversion:</u>		148.200 CFS	

Location of Point(s) of Diversion

THOUSAND SPRINGS GOODING County	L1 (NE1/4NW1/4NW1/4)	Sec. 8.	Twp 08S.	Rge 14E, B M.
THOUSAND SPRINGS GOODING County	L8 (SE1/4SE1/4SE1/4)	Sec. 6.	Twp 08S.	Rge 14E, B M.
THOUSAND SPRINGS GOODING County	L1 (NW1/4NW1/4NW1/4)	Sec. 8.	Twp 08S.	Rge 14E, B M.
THOUSAND SPRINGS GOODING County	L1 (SE1/4NW1/4NW1/4)	Sec. 8.	Twp 08S.	Rge 14E, B M.

Place of UseFISH PROPAGATION Within GOODING County

T08S R14E S05 SWSW	T08S R14E S06 Lot 8 SESE
T08S R14E S08 Lot 1 NWNW	

Conditions of ApprovalRemarks:

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MAR 10 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7072

1. Quantity FACILITY VOLUME IS 602,600 CUBIC FEET.
THE RATE OF DIVERSION FROM SPRINGS 1, 2 & 3 SHALL NOT EXCEED 38.5 CFS AND FURTHER, THAT OF THE 38.5 CFS, 13.5 CFS LESS THE AMOUNT OF WATER FLOWING IN THE BRAILSFORD PIPELINE, MEASURED AT POINT B, SHALL BE RELEASED AT EITHER POINT C (THE MEASURING DEVICE AT THE UPPER POND) OR THROUGH THE HILL FLUME INTO THE UPPER POND.
2. Explanatory FISH PROPAGATION/ COMMERCIAL HATCHERY
3. Point of Diversion TWO POINTS OF DIVERSION LOCATED IN T08S, R14E, S06, LOT 8 SESESE TWO POINTS OF DIVERSION LOCATED IN T08S, R14E, S08, LOT 1 NWMMNW FOUR POINTS OF DIVERSION LOCATED IN T08S, R14E, S08, LOT 1 SENWNW

Dates and Other Information:

Decreed Date: 12/29/1997

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MAR 10 2004

Page 1

12/17/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7866

WATER RIGHT NUMBER: 38-7866

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PISCES INVESTMENTS INC 3069 OSTER LAKES RD HAGERMAN, ID 83332 (208) 837-8541
Current Owner	SEAPAC OF IDAHO INC PO BOX 546 BUHL, ID 83315 (208) 326-3100

Priority Date: 07/11/1979

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
POWER	1/01	to 12/31	9.000 CFS	6,515.80 AF
DOMESTIC	1/01	to 12/31	0.040 CFS	2.60 AF
		Total Diversion:	9.000 CFS	6,515.80 AF

Location of Point(s) of Diversion

SPRINGS LB (SE1/4SE1/4) Sec. 6, Twp 08S, Rge 14E, B.M.
GOODING County

Place of Use

POWER Within GOODING County
T08S R14E S06 Lot 8 SESE

DOMESTIC Within GOODING County
T09S R14E S06 Lot 8 SESE

Conditions of Approval

1. L05 THIS RIGHT SHALL BE JUNIOR AND SUBORDINATE TO ALL RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO THAT ARE INITIATED LATER IN TIME THAN THE PRIORITY DATE OF THIS RIGHT AND SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIMS AGAINST ANY FUTURE RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PRIORITY DATE OF THIS RIGHT.
2. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

Dates and Other Information:

Decreed Date: 12/29/1997

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MAR 9 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-8356

WATER RIGHT NUMBER 36-8356

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PISCES INVESTMENTS INC 3068 OSTER LAKES RD HAGERMAN, ID 83332 (208) 837-6541
Current Owner	SEAPAC OF IDAHO INC PO BOX 546 BUHL, ID 83316 (208) 326-3100

Priority Date: 05/09/1988

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	01/01 to 12/31	45.000 CFS	32,800.00 AF
<u>Total Diversion:</u>		45.000 CFS	32,600.00 AF

Location of Point(s) of Diversion

SPRINGS L1 (SE1/4NW1/4NW1/4) Sec. 8, Twp 08S, Rge 14E, B M.
GOODING County

Place of Use

FISH PROPAGATION Within GOODING County
T08S R14E S08 Lot 1 NWNW

Conditions of Approval:

1. 027 Use of water under this right shall be non-consumptive.
2. 122 The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
3. X35 Rights 36-07072 and 36-08356 when combined shall not exceed a total diversion rate of 148.2 cfs.
4. X36 Right 36-07072 is also diverted through the point of diversion described above.

RemarksDates and Other Information

Licensed Date: 6/5/2002

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MAR 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 17, 2002

SEAPAC OF IDAHO INC
PO BOX 546
BUHL ID 83316

RE: Change of Ownership for Water Rights 36-7072, 36-7866 and 36-8356

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

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,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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JAN 09 2003