



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 15, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PINE TREE RANCH INC
C/O SANDRA L KANE
9949 W EDNA
BOISE ID 83704

*5/1/03
office visit*

Re: Application for Exchange of Water Right Nos. 65-3222 & 65-8290

Dear Applicant:

The above referenced application was recently filed to add a point of diversion at the Middle Fork Payette River to these two water rights for Pine Tree Ranch. Several items need attention before this office can process the application as noted below.

- ✓ 1) *Applicant name* – The water rights were recently decreed to Pine Tree Ranch Inc. in the Snake River Basin Adjudication (SRBA). The application is in the same name. An ownership change form was completed and submitted with the application to change the owner of record to PTR Inc. The application should be in the name of PTR Inc. Please make the change on the enclosed original application.
- ✓ 2) *Quantity of water* – Apparently up to 2.17 cfs is proposed for diversion from the river pump. The portion of the water rights not taken from the river will continue to be diverted from Scriver Creek. Application item B1 shows the entire sum of the rights (3.22 cfs) will not be diverted from the creek. You probably meant to list “up to 2.17 cfs” will be “left not diverted from Scriver Creek” instead of 3.22 cfs. Your intent is clear under “additional explanation” on the form but is overstated in item B1.
- ✓ 3) *Map* – The application included a map outlining the place of use. In addition to that map, one showing the existing creek diversions and the proposed river diversion is needed. Please mark those locations on the enclosed map and return it with the revised application. Who owns the land at the river diversion? What arrangement allows legal access to that site by the applicant if another party owns the property?
- ✓ 4) *Endorsement of changes* – After completing the above items, someone with authority to sign documents for PTR Inc. should initial and date the top of the form to endorse changes to the application.
- 5) *Ownership change vs. name change* – The application includes two water rights. The accompanying ownership change form lists four additional water rights as

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follows: 65-3221, 65-3223, 65-3224 and 65-8284. All of these are in the name of Pine Tree Ranch Inc. and were recently decreed in the SRBA. The ownership change for all six water rights attempts to convey the rights from Pine Tree Ranch Inc. to PTR Inc.

A business entity search at the Idaho Secretary of State website reveals Pine Tree Ranch Inc. was incorporated in 1973 and dissolved in 1996. The website states that PTR Inc. was incorporated in 1978 and continues as a registered entity at this time. Please provide adequate information to determine if this reflects the same entity under different names (name change) or if it indicates two different business entities (ownership change). The website suggests the latter scenario based on concurrent registrations from 1978 through 1996.

If a *name* change is clearly indicated, updating the water right records is quite simple and requires no fee. If an *ownership* change is clearly indicated, the process becomes more complex. In the latter case, please provide the following:

- Documentation of water right ownership from Pine Tree Ranch Inc. to PTR Inc via deed, contract, etc.
- \$25 to change ownership of the four rights not included in the exchange application, for a total fee of \$100. The ownership change fee is waived for the water rights listed in the application but must be applied to the other rights recently decreed in the SRBA.

Whether a name change or an ownership change is clearly documented, Exhibit A included with the ownership documentation in the application lacks one piece of information. The water rights listed in the application include SWNW (3 acres) and SENW (1 acre) Section 23 in the place of use. Exhibit A does not list land in those two tracts. Please provide documentation linking the applicant to that portion of the place of use.

Please submit the above requested information within thirty (30) days of the date of this letter. If the information is not timely submitted, the application will be removed from the records of this agency. Please contact me at 334-2190 if you need any assistance. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure