

Hersley, Jean

From: Thomas Baxter <tntranch2018@gmail.com>
Sent: Monday, June 14, 2021 2:55 PM
To: Hersley, Jean
Subject: Re: contested ownership issue 97-2029

That would actually work out very well for us in the event we sell that property in the future.
I'm only looking for water rights on the north side of the road.
Thank you again
Tom Baxter

On Mon, Jun 14, 2021 at 1:52 PM Thomas Baxter <tntranch2018@gmail.com> wrote:
Thank you for the clarification.

On Mon, Jun 14, 2021 at 1:38 PM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

The location of the spring point of diversion (POD) can be different than the place of use (POU). The location of the house or POU is how we update ownership of a domestic water right. If the water right has historically been used for the home on Keema's property, they are the water right owner. On dates of when this water right was licensed and the priority date, the home the Keema's currently own was the only home in the 40 acre tract. And according to the Department's documents, the Keema's are the current owner of the water right.

You may be able to obtain water rights from that spring. You will need to apply for a new water right. Form and instructions attached.

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

From: Thomas Baxter [mailto:tntranch2018@gmail.com]
Sent: Monday, June 14, 2021 1:32 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: contested ownership issue 97-2029

Good afternoon,

In 2019 the Keema's and the Baxter's had both of our property's re-surveyed and the results were that all of the property on north side of Blue Lake Rd is Baxter property. This is where the spring begins, right at the northern most point of our monument markers. It's my understanding that because the spring is on Baxter property that we would be able to obtain water rights.

The Keema's do not own any property on the north side of that road it is just the state of Idaho and the Baxter's.

With that information in mind we would absolutely like to start the dispute process and if necessary go to court. If there was anyway to have somebody from the state come out and actually investigate the source of the water with knowledge of the surveyed property lines I think a lot of this could be resolved quickly.

The document that you attached to your email is very vague and does not indicate the source of the spring.

I think we can all work together on this to get the situation resolved and the water rights to the proper party.

Thank you very much for getting back to me today I am definitely looking forward to resolve this on the short end but I'm also in it for the long-haul

Sincerely

Tom Baxter

On Mon, Jun 14, 2021 at 11:48 AM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Mr. Baxter,

I would like to apologize for not getting back to you sooner. I was on travel on Friday and have been in meetings since I got back to the office.

I was in our Northern Region office last week and looked at this with Natalie, the Northern Region ownership change processor. Natalie received a phone call from Wendy Keema, who is one of the current owners of the water right, regarding this change. After further review, it was determined that water right 97-2029 is not appurtenant to your property.

Water right 97-2029 was licensed in 1946 with a priority date of 1944, which means the domestic use for this right has been occurring since 1944. The map (attached) in the backfile shows the

location of the home which, according to our records, is the home currently owned by David and Wendy Keema.

You asked what "Disputes over ownership of a water right can only be resolved by a court" means. If you do not agree with this decision, you can take the Keema's to civil court and the court will determine ownership of the water right. Or you can claim this water right in the third phase of the Northern Idaho Adjudication which is the Clark Fork-Pend Oreille River Basin Adjudication. If the Department receives competing claims for the same water right, an exam is conducted to determine what land the water right is appurtenant too and a court will issue a partial decree. This may include providing the Department with additional information about the historic use of the water right. I believe claims taking will begin later this summer.

Or you may file an Application for Permit for a water right. Forms and instructions are available on our website, www.idwr.idaho.gov.

I hope this answers the questions you had regarding the letter you received. Please let me know if you have any additional questions. Thank you.

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

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