



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 30, 2017

MIERS C JOHNSON III
14500 LEWIS LN
NAMPA ID 83686

RE: Water Right 63-32330 and Water Right Permit 63-12007

Dear Mr. Johnson:

This is a courtesy letter to inform you of an action of the Department of Water Resources (Department) that is being taken on well that you may or may not have legal access to use. The Department is currently in the process of licensing a water right for a well in the SENW quarter of Section 10 in Township 2 North, Range 3 West. A water right does not grant access or easement to a well, so we depend on water users to ensure they have the legal easements and agreements in place to ensure the use of their water rights.

The well involved in the licensing process is designated as a point of diversion for decreed water right 63-32330 and water right permit 63-12007. I have enclosed a computer generated report of both water right 63-32330 and permit 63-12007 for you review. Water right permit 63-12007 is in your name. Water right 63-32330 and water right permit 63-12007 appear to irrigate the same place of use.

Water right 63-32330 was decreed in 2009 in the Snake River Basin Adjudication (SRBA). According to our records, water right 63-32330 still appears as a valid water right. Water right 63-32330 authorizes a place of use located on property that Department records show you currently own. I have enclosed a map showing the point of diversion in question and place of use of water right 63-32330 for reference purposes. Water right 63-32330 was decreed in the name of Herbert Montieth Jr. et al. According to our records you have not filed a change of ownership or water right transfer on your portion of water right 63-32330. Therefore, we do not know if you are still using water right 63-32330 or if water right 63-32330 was withheld from the sale when you purchased this property.

From the water right file for permit 63-12007, it appears as though permit 63-12007 was filed to replace water right 63-32330 if the SRBA determined that 63-32330 had been forfeited. You stated in the file for permit 63-12007 that you believed that water right 63-32330 had been forfeited, so you did not file a change of ownership at that time. However, water right 63-32330 was subsequently decreed as a valid right in the SRBA, so the SRBA determined that water right 63-32330 had not been forfeited as of 2009 when the decree was issued. Our records are unclear whether or not you are still using 63-32330.

In the licensing process for the well in the SENW of Section 10, the entity seeking the license has stated that you no longer have access to the well and no longer use this well. There are 2 other points of diversions or wells on water right 63-32330, and one other point of diversion or well on permit 63-12007. Therefore, we are not sure if you have actually relinquished your easement or legal agreements to use the well in the SENW of Section 10. There doesn't appear to be any legal documentation at this time confirming your current use of the well in the SENW of Section 10.

The purpose of this letter is to inform you that if the entity seeking the proposed water right license on the well in SENW quarter of Section 10 can provide documentation that you no longer have access to this well, it may prevent you from using this well in the future. This could affect the licensing of permit 63-12007 and the possible use of the well in the SENW quarter of Section 10 for water right 63-32330. We want to ensure that you were informed of this process, and give you the opportunity to provide any comment and/or legal documentation that shows you still have an access to the well in SENW of Section 10 and that you are still interested in diverting water from that well.

If you do have legal authority to access the well in the SENW quarter of Section 10 and wish to maintain the opportunity to use this well to irrigate the lands you currently own, please contact me within 14 days to discuss this situation. I would be more than willing to discuss the possibilities of what we can do with water right 63-32330 to ensure that you are not injured by the proposed license that also uses this well. I have also included a change of ownership form that will allow you to put the portion of water right 63-32330 you own into your name.

If you have any questions or concerns, please don't hesitate to contact me.

Respectfully;



Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
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Telephone (208) 287-4856
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Enclosures : Computer Generated Proof Report of Water Right 63-32330
 Computer Generated Proof Report of Water Right 63-12007
 Map Showing the Well and Place of Use for 63-32330 and 63-12007
 Change of Ownership Form

The following is the map associated with these water rights. There is a question on whether the well shown as a yellow dot on the map is used by Miers Johnson III for water right decree 63-32330 shown in the red border and 63-12007 shown in the green border.

