



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 3, 2017

JOHN D KONEN
BRUCE L KONEN
CAROL MARIE CHURCH
18386 DAFFODIL LN
LEWISTON ID 83501

RE: Change in Ownership of Water Right Nos. 85-2127 and 85-11223

Dear Interested Parties:

The Department of Water Resources (the "Department") acknowledges receipt of your Notice of Change in Water Right Ownership. Upon review of your notice and accompanying documents, the Department finds it does not support a change in ownership of Water Rights 85-2127 and 85-11223.

The owner of Water Rights 85-2127 and 85-11223, as decreed in the Snake River Basin Adjudication, is Konen Farms. The quitclaim deeds and other documents you submitted do not convey Konen Farms' interest in the water rights to you, nor do they convey ownership of the land where the water is used. As evidence of a water right ownership change, the Department usually receives warranty deeds showing conveyance of the land to which the water right is appurtenant or quitclaim deeds conveying ownership of the water rights or the land where they are used from the water right owner of record to the new owner. To support your ownership change notice, the Department would expect to see either quitclaim deeds conveying water right or land ownership from Konen Farms to individuals or entities, or warranty deeds, including legal descriptions, conveying ownership of the land that contains the water right places of use and appurtenances.¹ The dividing of points of the authorized points of diversion for the water rights, if intended, must be specified in the deeds.

Water Right 85-2127 was recently split into Water Rights 85-2127 and 85-15788 based on a quitclaim deed that did not convey an interest in the water rights or their places of use from Konen Farms. This splitting of the water right was not supported by the documentation submitted, and the water right has been unsplit in the water right records maintained by the Department.

Also, since 1971, Idaho law requires that anyone proposing to divert and use surface water obtain a permit from the Department. There does not appear to be a permit or water right for the diversion of water from the spring to the pond mentioned in our correspondence. I have included an application for permit with instructions for your convenience.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

¹ Among the items you submitted was one warranty deed, but it does not include a portion of the place of use of either water right

Please note that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact me at (208) 287-4290 if you have any questions.

Sincerely,



Debbi Judd
Technical Records Specialist

Enclosures

c. Malcolm Dymkoski
Robert Konen