



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 31, 2017

RE: Allocation of Ground Water Right 34-2425A in Crows Nest Estates Subdivision

Dear Property Owner:

IDWR has recently received a number of notices from people seeking to update the ownership records for their portions of an irrigation water right associated with the Crows Nest Estates Subdivision located in Custer County, Idaho. According to taxlot information provided by Custer County, you own one or more of the lots in the Crows Nest Estates Subdivision. This letter is intended to provide a history of the irrigation water right associated with the property and describe the method used to allocate the water right between the lot owners in the subdivision.

In the early 1990s, Robert Silacci (dba Lost River Development Company) created the Crows Nest Estates Subdivision. At that time, water right 34-2425 was appurtenant to the property. Water right 34-2425 bore a priority date of December 17, 1961 and authorized the diversion of 2.94 cfs from ground water and the irrigation of 147 acres. On October 21, 1993, IDWR approved Transfer No. 3896, which moved a 21-acre portion of water right 34-2425 to a separate, unrelated property in the Big Lost River Valley. The remaining portion of the right (identified as water right 34-2425A) authorized the diversion of 2.52 cfs from ground water and the irrigation of 126 acres.

On June 10, 1994, Robert Silacci executed a document titled: "First Amendment to Master Declaration of Covenants, Conditions and Restrictions of the Crows Nest Subdivision" ("Amendment"). The Amendment was recorded with Custer County on July 5, 1994 (Document No. 206833). The Amendment states that Silacci was the owner of water right 34-2425A in June 1994 and declares that the water right was to be used to benefit all of the lot owners in the subdivision. Exhibit B was attached to the Amendment, outlining what portion of water right 34-2425A was assigned to each lot in the subdivision. I've enclosed a copy of the Amendment and its exhibits for your reference.

After 1994, the lots in the subdivision were sold off to various owners. Many of the lot owners have contacted IDWR to update the ownership of their portions of the water rights. For each ownership change notice filed, IDWR split the water right, creating a separate water right with a new water right number for the lot owner. Most of these water right splits were consistent with Exhibit B of the Amendment. Unfortunately, some of the splits were not correct because they were not consistent with Exhibit B.

I have just completed a review of all the water rights which have been split off of the original water right (34-2425A) over the years. I have adjusted all of the water rights to

match the allocation described in Exhibit B of the Amendment. Enclosed is a table showing all of the relevant water rights as they exist today. I have also included reports showing the elements of each of the water rights. Please note, six of the property owners have never contacted IDWR to update ownership for their portions of the water right. The remaining portion of the water right, associated with those six lots, will remain in the name of Robert Silacci until the lot owners file the paperwork necessary to update ownership.

Please contact me directly if you find any errors in the water rights or if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written in a cursive style.

James Cefalo

Encl: Amendment, table of water rights, water right reports

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 31st day of August 2017, a true and correct copy of this letter was served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed, to the following:

OWNER	ADDRESS	CITY	STATE	ZIP	LOT
WRIGHT, AUDREY L	PO BOX 364	MACKAY	ID	83251	BLK 1 LOT 1
	4158 W 4200 N	MACKAY	ID	83251	
SOLLENDER, JERRY B & SOLLENDER, SANDRA K	4168 W 4200 N	MACKAY	ID	83251	BLK 1 LOT 2
ATKINS, RODNEY A & ATKINS, MICHAELA	103 LARGO LN APT #1	MINOT AFB	ND	58704	BLK 1 LOT 3
WRIGHT, MICHAEL V & WRIGHT, KATHERINE A	885 WEST BEACON LIGHT RD	EAGLE	ID	83616	BLK 1 LOT 4
HIHN, THOMAS M & HIHN, AMBER R	3551 SOUTH CAPULET WAY	MERIDIAN	ID	83642	BLK 1 LOT 5
BUSTER K RANCH LLC & BUTLER, BRUCE	PO BOX 19736	FOUNTAIN HILL	AZ	85268	BLK 1 LOT 6
GUSTIN, CLAY T & GUSTIN, PAULA JEAN	PO BOX 2347	HAYDEN	ID	83835	BLK 1 LOT 7
GOOD, LOREN R & GOOD, LAURA E	3498 S CAPULET WAY	MERIDIAN	ID	83642	BLK 1 LOT 8
TRACY, LUCAS L	529 JAMES ST	TALENT	OR	97540	BLK 1 LOT 9
	312 7 th AVE E	TWIN FALLS	ID	83301	
FAIREY, ROBERT & FAIREY-LLOYD, LEANNE	3808 WATERWHEEL RD	EMMETT	ID	83617	BLK 1 LOT 10
MARTIN, KELLY & BRUCE & HEINRICH, THOMAS & ROBERTA	PO BOX 2860	KETCHUM	ID	83340	BLK 1 LOTS 11,12,13
	PO BOX 264	SUN VALLEY	ID	83353	
LOGSDON, BRUCE M & LOGSDON, TRACY M	3586 S CAPULET WAY	MERIDIAN	ID	83642	BLK 1 LOT 14
HICKERSON, BILLY E REVOCABLE & LIVING TRUST	PO BOX 467	ARCO	ID	83213	BLK 1 LOTS 15,16,17
MANGAN, LOUIS H & MANGAN, ROBIN J	4138 W 4200 N	MACKAY	ID	83251	BLK 1 LOT 18
GERRISH, GALEN J & GERRISH, AMBER S	4148 W 4200 N	MACKAY	ID	83251	BLK 1 LOT 19
BOHNE, BLAINE L	PO BOX 68	MACKAY	ID	83251	BLK 2 LOT 1
HOUBURG, KEVIN & HOUBURG, LYNN	1215 SW HEATHER ST	POINT LUCIE	FL	34983	BLK 2 LOT 2
LARSON, A BRUCE & LARSON, GLENDA R	516 MAIN STREET	SALMON	ID	83467	BLK 2 LOT 3
STONE, GLEN S & STONE, JANET F	63399 LAMOINE LANE	BEND	OR	97701	BLK 2 LOT 4
HARRIS, SUSAN M & HARRIS, TROY L	PO BOX 253	MACKAY	ID	83251	BLK 2 LOT 5
ANDERSON, KIM V & ANDERSON, TRACY L	PO BOX 1053	HAILEY	ID	83333	BLK 2 LOT 6



 Sharla Cox
 Administrative Assistant

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

ROGER E. CRIST, ESQ.
ATTORNEY AT LAW
POST OFFICE BOX 2326
KETCHUM, ID 83340

Blaine Cochrane
12:00 P.M.
July 13, 1994
ED [unclear] Clerk
Ed [unclear]
\$ 12.00 Deputy

(Space above this line for Recorder's use)

FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
THE CROWS NEST SUBDIVISION

*1991

The Master Declaration of Covenants, Conditions and Restrictions as to the use of the Real Property Embraced Within The Crows Nest Subdivision Located in Custer County, Idaho dated October 17, 1994, and recorded on October 21, 1991, as Instrument No. 0200438 in the records of Custer County, Idaho, is hereby amended to add the following:

Robert Silacci, as one of the General Partners of the developer of said Crows Nest Subdivision, holds title in his name to certain agricultural irrigation water rights legally described in Exhibit A, attached hereto. Said ownership is in trust for the benefit of all of the owners of Lots in said Subdivision. The owner of a Lot in said Subdivision shall have the right to transfer a portion of said water into said Lot owner's name for use on said Lot. The extent of the water right to be transferred shall be a pro rata share of said water right based upon the schedule attached hereto as Exhibit B. Such owner who seeks to transfer a portion of said water right shall obtain all necessary governmental approvals for such transfer and shall pay all costs and expenses associated therewith.

All other terms and provisions of said Master Declaration not inconsistent herewith shall remain in full force and effect.

DATED this 10 day of June, 1994.

FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF THE CROWS NEST SUBDIVISION - 1

#206833

LOST RIVER DEVELOPMENT COMPANY,
an Idaho Partnership,
Owner of Lots 1 through 5, 7, 10,
14 through 19 of Block 1 and Lots 1
through 6 of Block 2

By *Robert Silacci*
Robert Silacci, General Partner

STATE OF California)
County of Monterey)

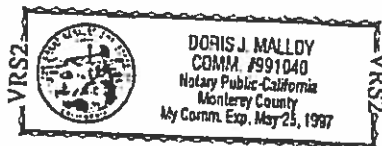
SS.

On this 10th day of June, 1994, before me, the undersigned
notary public in and for said State, personally appeared ROBERT
SILACCI, known to me to be the General Partner of Lost River
Development Company, signer of the foregoing instrument, and he
duly acknowledged to me that he executed the same in his capacity
therein.

WITNESS MY HAND AND SEAL the day and year first written
above.

Doris J. Malloy
Notary Public
Residing at: Monterey County, Cal.
Comm. expires: 5/25/97

CORP\CROWS.AMD



FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF THE CROWS NEST SUBDIVISION - 2

Exhibit A

Water Right No.:	34-02425
Owner:	Robert Silacci 824 Riker Street Salinas, CA 93901
Priority Date:	12/17/1951
Purpose of Use:	Irrigation
Period of Use:	4/15 to 10/15
Maximum Quantity:	2.52 cfs on 126 miner's inches
Basis of Claim:	License
Source:	Groundwater
Point of Diversion:	T07N R25E S31

EXHIBIT B

BLOCK 1

Lots:

1 = 5.1"
2 = 6.0"
3 = 5.1"
4 = 4.6"
5 = 4.6"
6 = 4.6"
7 = 5.7"
8 = 6.7"
9 = 4.2"
10 = 4.1"
11 = 4.1"
12 = 6.0"
13 = 6.0"
14 = 4.6"
15 = 4.6"
16 = 4.6"
17 = 5.8"
18 = 5.7"
19 = 5.2"

BLOCK 2

Lots:

1 = 5.0"
2 = 4.8"
3 = 4.7"
4 = 4.7"
5 = 4.8"
6 = 4.7"

Crows Nest Subdivision Water Right Splits

Block	Lot	Current Owner	Lot Size (acres)	Allocated Acres	Calculated Rate	Calculated Volume	Water Right
1	1	Wright	6.4	5.1	0.102	17.9	34-14620
1	2	Silacci	7.2	6.0	0.120	21.0	34-13931
1	3	Atkins	6.2	5.1	0.102	17.8	34-14621
1	4	Silacci	5.6	4.6	0.092	16.1	34-13931
1	5	Hihn	5.5	4.6	0.092	16.1	34-14296
1	6	Silacci	5.5	4.6	0.092	16.1	34-13931
1	7	Gustin	6.9	5.7	0.114	20.0	34-13913
1	8	Good	8.2	6.7	0.134	23.4	34-14622
1	9	Tracy	5.0	4.2	0.084	14.7	34-13932
1	10	Fairey	4.9	4.1	0.082	14.4	34-14516
1	11	Martin	4.9	4.1	0.082	14.4	34-14623
1	12	Martin	7.1	6.0	0.120	21.0	
1	13	Martin	7.2	6.0	0.120	21.0	
1	14	Silacci	5.5	4.6	0.092	16.1	34-13931
1	15	Hickerson	5.6	4.6	0.092	16.1	34-13914
1	16	Hickerson	5.6	4.6	0.092	16.1	35-2425D
1	17	Hickerson	7.0	5.8	0.116	20.3	
1	18	Silacci	7.1	5.7	0.114	20.0	34-13931
1	19	Gerrish	6.2	5.2	0.104	18.2	34-2425F
2	1	Bohne	5.7	5.0	0.100	17.5	34-13880
2	2	Houfburg	5.7	4.8	0.096	16.8	34-14624
2	3	Larson	5.5	4.7	0.094	16.4	34-14625
2	4	Stone	5.7	4.7	0.094	16.4	34-14626
2	5	Silacci	5.8	4.8	0.096	16.8	34-13931
2	6	Anderson	5.6	4.7	0.094	16.4	34-13854
Totals:			151.6	126.0	2.52	441	