



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](http://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 31<sup>st</sup> 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 <sup>th</sup> 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 [Signature]  
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 )

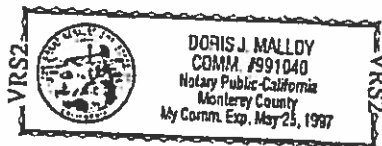
SS.

On this 10<sup>th</sup> 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<br>824 Riker Street<br>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              |             |
| 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    |
| <b>Totals:</b> |     |               | 151.6            | 126.0           | 2.52            | 441               |             |