



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

June 20, 2017

Casey Thompson
1854 Truckersville Road
Pocatello, ID 83204

RE: Water Right 29-7075A

Dear Mr. Thompson:

I recently received a letter from you asking IDWR to update the ownership records for water right 29-7075A. You and I spoke about this water right a couple of weeks ago. This letter is meant to explain the process used to update the ownership of a water right and to follow up on our previous conversation.

Enclosed is a report for water right 29-7075A and a map showing where the authorized points of diversion and place of use are located for the water right. Water right 29-7075A authorizes the irrigation of 6.4 acres from ground water. The 6.4 acres are currently located in the NWNE and SENE of Section 6, T06S, R33E. According to taxlot data from Power County, you own two parcels of ground in the SENE of Section 6. Using the IDWR's mapping software, I calculate that approximately 1.1 acres of the 6.4 acres of water right 29-7075A are appurtenant to your property.

The current owners of record for water right 29-7075A are Betty and Lynn Thompson. In order to update the ownership records for your portion of the water right, you need to complete the enclosed Notice of Change in Water Right Ownership. The filing fee for an ownership change where the water right will be split is \$100. In this case, because you only own a portion of the irrigated acres described in water right 29-7075A, the right must be split. When you file your ownership change notice, please include a copy of the deed conveying the property from Betty and Lynn Thompson (or the estate) to you.

When we spoke on the phone, you mentioned that your property is currently being watered out of your domestic well. As shown on the enclosed map, the authorized points of diversion for water right 29-7075A are not on your property. If you want to continue to divert your portion of water right 29-7075A from your domestic well, you should consider filing an application for transfer to change the point of diversion for your portion of the water right. Staff in our Idaho Falls office would be more than happy to help you prepare a transfer application. Because your portion of the water right is so small (1.1 acres, 0.02 cfs), the filing fee for the transfer application would only be \$200.

Your letter included a check for \$35, representing half of your annual assessment from Water District 120. You assert that the other half should be paid by the Shoshone-Bannock Tribes. This is an incorrect understanding of water rights and water district assessments. According to Power County taxlot data, there are now four separate property owners within the 6.4-acre place of use described in water right 29-7075A (Casey Thompson, George & Lurana Burrell, Aurelio Gonzales, and the U.S. Bureau of Indian Affairs). The Shoshone-Bannock Tribes have no apparent ownership interest in water right 29-7075A.

Pursuant to Idaho Code § 42-248, each of these owners should have filed a Notice of Change in Water Right Ownership within 120 days of acquiring their respective properties. No notices have been filed. Given the taxlot records from Power County, there are currently four separately owned water rights. However, separate ownership of the water rights will not be reflected in the records of IDWR until the owners file the required notices.

As separate water right owners, each owner should be charged the minimum assessment (\$70) by Water District 120. Prior to 2017, you are the only one of the four current property owners who has received an assessment from Water District 120. Moving forward, each of the owners (Thompson, Burrell, Gonzales, BIA) should receive a separate \$70 assessment from Water District 120. Therefore, \$35 is still due on your 2017 assessment.

As we discussed on the phone, receiving an annual assessment can be frustrating, especially for someone who is not using his water right. It appears from aerial photography that the irrigation occurring on your property may fall within the limits of the domestic exemption set forth in Idaho Code § 42-111 (less than 13,000 gallons per day and less than ½ acre of irrigation). If you decide that you are not interested in maintaining your portion of the water right, you may abandon the right at no cost. The form to abandon your portion of the right is enclosed. If, however, you choose to maintain your portion of the water right, I would recommend filing the Notice of Change in Water Right Ownership, filing a transfer application to change the point of diversion for your portion of the water right, and paying the remaining \$35 due on your 2017 annual assessment.

I recognize that working with and updating water rights can be overwhelming. Please feel free to call me directly if you have any other questions.

Sincerely,



James Cefalo
(208) 525-7161 (james.cefalo@idwr.idaho.gov)

Encl: Water right report, map, ownership change form, abandonment form

Cc: Gary Cooper (151 N. 3rd Ave, Suite 210, Pocatello, ID 83201)

6/20/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BETTY L THOMPSON 1761 W SYPHON RD POCATELLO, ID 83202 2082341581

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