

Keen, Shelley

To File 65-7206B

From: Keen, Shelley
Sent: Tuesday, August 02, 2016 5:37 PM
To: 'Chris Owen'
Subject: RE: payette river hot springs water right 65-07206 (AandB)

Chris,

It sounds like you and Tony are on the path to a good solution. If you dismantle the greenhouse, I can think of four ways to protect your water right from forfeiture.

- 1) Put the water to use for a similar commercial purpose at the same location (NWNE, S11, T8N, R5E) within five years. No filing would be necessary.
- 2) Apply to change the water right to a different use at the same or a different location. A transfer application would be required.
- 3) File an application for extension of time to avoid forfeiture. Approval would get you an extra five years of forfeiture protection, but eventually you would have to put the water to use or forfeit the water right.
- 4) Apply to lease your water right into the Water Supply Bank, which is a market for unused water rights to be made available for rental by others. A lease protects the water right from forfeiture for up to five years, and it can be renewed with the same protection in place. If someone rents the water right, you would receive 90% of the rental proceeds. The Water Supply Bank has become very popular in recent years. You can find out more about the Water Supply Bank at <https://www.idwr.idaho.gov/water-supply-bank/overview.html>.

Please call or email if you have questions or need application forms.

Regards,

Shelley

Shelley Keen
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208-287-4947

-----Original Message-----

From: Chris Owen [<mailto:discountpiano@yahoo.com>]
Sent: Tuesday, August 02, 2016 11:55 AM
To: Keen, Shelley
Subject: payette river hot springs water right 65-07206 (AandB)

Dear Mr. Keen;

My brother and I met with you on Tues. June 14 at your office regarding hot water right 65-07206 (A and B). One of our concerns was of a "third party" who might try to claim that water right for himself. And you referred to the "use it or lose it" rule. We are and will continue to use our water in a beneficial manner.

However, we are under pressure, and have been for many years, to dismantle the greenhouse. A few HOA members have complained that it does not blend in with the rest of the subdivision. And some of them have strongly argued that commercial use is prohibited. Our attorney has advised us otherwise. But Tony and I are weary from the constant disagreement. We don't want any conflict with our neighbors. And we certainly don't want to trigger any lawsuits. It would be nice to find common ground so everyone walks away from the table happy. But we don't want to make any changes that might endanger our hot water right.

Recently, I met with the HOA president. We came up with a possible win/win solution. It went kind of like this:

- 1) Tony and Chris Owen agree to dismantle the greenhouse
- 2) HOA will help out with the cost of tear down and removal of greenhouse
- 3) President of the HOA will help assure that T and C Owen preserve our hot water right
- 4) T and C Owen might agree to use the vacant greenhouse lot as a common area, a kind of park or a "greenbelt" for the benefit of all HOA members;
- 5) T and C Owen will not be hampered in any way by the HOA in our use of the hot water, such as home heating at our cabin, recreation, or, possibly, another smaller, attractive looking greenhouse structure on one of our other lots.

It is my understanding that the Payette Hot Springs HOA has no control over the hot water right. That is up to you and the state of Idaho.

So do you think this plan might be a viable one? Our biggest priority is to protect the hot water right. We do NOT want to put that in jeopardy. . We wish to be good neighbors, deal with the greenhouse issue, and protect our hot water right. How do we accomplish this? And where do we stand, in your opinion?

Your valuable input regarding this matter will be greatly appreciated.

Respectfully yours,

Chris Owen
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