

MEMORANDUM

Date: June 28, 2016
To: 65-13749
From: Steven Visosky
Re: Response to questions from Office Day call

Mr. and Mrs. Davis called the Department today and asked a few questions in regards to claiming ownership of their portion of Permit 65-13749. They faxed the attached letter with questions and I explained some of their options to get a water right in their name.

My first statement was that the permit was personal property belonging to Malissa and Tom Meyer. If the Meyers would submit an assignment of Permit to the Davis's, then the Davis's could get that portion of the permit in their name. That permit would still need to be licensed.

A second option is to wait to the permit is licensed and then do a change in ownership for their portion of the water right. This option along with the first option did not guarantee them the full amount of the water right as it was unknown how much and where the permit was exactly developed at the time proof was submitted.

A third option was to file a new water right under their name specific to their needs and their system. I mentioned about the Payette River and shut-off dates and shared the contact information of the local watermaster for the Payette River. I was clear to mention that the priority date would be set to the current date of the application for permit.

RECEIVED

JUN 28 2016

DEPARTMENT OF
WATER RESOURCES

Reed Davis

Audrey Davis

4983 N. HWY 52

Horseshoe Bend, ID 83629

June 24, 2016

State of Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Fax (208) 327-7866

RE: Permit No. 65-13749

To Whom It May Concern;

We are writing concerning water rights involving Permit Number 65-13749, granted to Gerald A. and April L. Brown and assigned or transferred to Tom and Melissa Meyer.

It is our understanding that we purchased property listed within this permit in 2007, our 3.01 acres located in Boise County referred to as lot 3 in T07N R02E S30 Lot 2 (SWNW). There was a water share agreement between the Brown's and the previous owner of our property, and the 3 inch pipe to the holding pond was placed through the entire length of said property (our property).

We would like to address several of our concerns that we are seeking answers from you on.

First Concern:

A number of months ago Tom and Melissa Meyer's property was listed in The Idaho World Newspaper in Boise County as property up for auction on a Notice of Trustee's Sale and the last several weeks has been listed in this newspaper's showing of Notice of Pending Issue Of Tax Deed For 2012 Delinquent Taxes. Thus being, twice now of being listed for delinquent taxes a few months.

Are the Meyer's delinquent in paying for the water shares on this account and is there a risk of losing the said shares, due to such?

Question: Can the shares for our lot 3 for 3.01 acres be transferred by The Department of Water Resources to us?

Second concern:

The holding pond was abandoned about three years ago and there has been no water use on any of the lots listed. We purchased Lot 3 nine years ago, we have only had access to water a very minimal amount of weeks (less than 20 weeks) in the nine years, to water

a few trees and a very small garden area and through a very slow siphon method following the removal of our pump after a couple of years. Mr. Meyer wanted us to remove our power source to our pump also, however, for fire concern agreed to allow us leave the power source. At one point Mr. Meyer agreed to fill the pond if we paid for the repair of the pump located at the river, after it had sat at Valley Pump for a year due to non-payment for repair. Following payment of \$500.00, he filled the pond once and allowed us access (siphon method) for a little over a week and then he refused to refill the pond from that point on (about 3 years).

In considering the recent fires off Highway 52 in the last several years (one on each side of us at one point); the fires behind us between Highway 55 and 52, and the fact the land between us and Highway 52 is not maintained, as well as the property owned above us by Mr. Meyer is not maintained is a very serious concern as an extreme fire hazard. The flow from our well is so slow that we have had to ration water for 9 years to cover household needs, as well as, allow us 20 minutes of water in the evening and in the morning to try to keep a few trees, vines and bushes alive.

We are in serious need of independence beyond Mr. Meyers control involving water use.

The use listed in this permit for our lot 3 would not change. As a matter of fact the amount of water use would be for livestock (2 small mules) a minimal amount of trees and bushes, 2 very small grass areas and a very small garden area, not near the amount listed. However, the biggest concern is to have access in case of fire.

We would like to place our own pump in at the point of access, obtain our own meter from Idaho Power and T into and place shut off valves in the existing pipe that runs through our property; by-pass the pond; and turn the pump on 3 or 4 times a week to 5 Or 6 sprinklers (for less than an hour) to water the minimal amount of what has been mentioned. We would also like to place a few sprinklers in strategic areas to use only in case of fire.

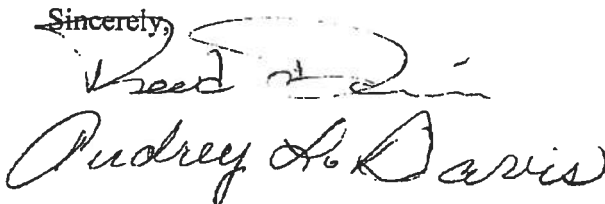
Please advise us as to how to proceed in the process needed to follow through with the above mentioned wishes and become independent beyond the controlling issues of Mr. Meyer.

Please find included with this Fax A. a copie of original property owner's deeds B. water permit and map and C. a copie of our property Tax Assement for proof of our ownership.

we reference to the original share agreement, please note the dates on the deeds of previous owners and the date the water permit was issued/applied for.

P.S. Thanking you in advance for your consideration and assistance!

Sincerely,


Audrey H. Davis

THIS PLAN MAY NOT BE ASSUMED WITHOUT THE PRIOR APPROVAL OF THE DEPARTMENT OF VETERANS AFFAIRS, OR ITS AUTHORIZED AGENT SUCCESSORS, OR ASSIGNS.

DAE

DEED

of Horseshoe Bend, county of Boise, State of Idaho 83629

the receipt whereof is hereby acknowledged, has granted, bargained, and sold and does by these presents grant, bargain, sell, convey, and confirm unto the said party _____ of the second part, and the heirs or successors and assigns of the party _____ of the second part, forever, all the following-described real estate situated in _____, _____, county of _____, State of Idaho, bounded and particularly described as follows, to wit:

Beginning at the NW corner of Section 30 T. 7 N., R. 2 E.B.M., Boise County, Idaho; thence South 2866.1 feet to the true point of beginning; thence South 550.0 feet; thence North 68°12' East 463.5 feet; thence North 48°43' West 572.7 feet, to the true point of beginning. All in Lot 3, Section 30, T. 7 N., R. 2 E.B.M.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to said property, as well in law as in equity, of the party of the first part.

TO HAVE AND TO HOLD, all and singular, the said property, together with the appurtenances, unto the said party_____ of the second part, and to the heirs or successors and assigns of the party_____ of the second part, forever.

THE PARTY OF THE FIRST PART and his/her successors in such office, as such, the said premises in the quiet and peaceable possession of the said part Y_____ of the second part, and the heirs or successors and assigns of said part Y_____ of the second part, against said party of the first part and his/her successors and assigns of said such, and of every person and persons whomsoever, lawfully claiming or to claim the same by, through or by the said party of the first part, shall and will warrant and by these presents forever defend.

WITNESSETH, the party of the first part, on the day and year first above written, has caused this document to be executed in his/her name and on his/her behalf by the undersigned employee, being thereunto duly appointed, qualified, and acting pursuant to title 38, United States Code, sections 212 and 1820 and title 38, Code of Federal Regulations, sections 36.4312 and 36.4520 pursuant thereto, as amended, and who is authorized to execute this instrument.

Signed, sealed and delivered
in the presence of—

The Secretary of Veterans Affairs

*By Charles E. Brioschi (SEAL)
Title Loan Guaranty Officer

VA Regional Office, Boise, ID 83724
Telephone: (208) 334-1897

(Pursuant to a delegation of authority contained in
VA Regulations, 38C.F.R., 36.4342 and 36.4520.)

*NOTE.—Print, typewrite, or stamp name of employee executing this instrument; and also names of witnesses and Notary Public present.

Depth.

Feet.



Chris Juszczak
Boise County Assessor
420 Main Street
Idaho City, ID 83631

2016 ASSESSMENT NOTICE

THIS IS NOT A BILL.
DO NOT PAY.

RETURN SERVICE REQUESTED

PARCEL DESCRIPTION:

T7N R2E SEC 30
TAX 348 IN GOV'T LOT 3

1291 RP07N02E305500 *****5-DIGIT 83629



DAVIS REED
DAVIS AUDREY
4980 HIGHWAY 52
HORSESHOE BEND ID 83629-5005

For any questions, please notify the Assessor's Office immediately
Assessor's Telephone Number: (208) 392-4415

Parcel Address:

4980 HWY 52
HORSESHOE BEND ID 83637-0000

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

27-Jun-16

Tax Code Area: 23000

Parcel Number: RP07N02E305500

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
12 RURAL RESIDENTIAL TRACT	2.730		
34 RURAL RES TRACT IMPROVEMENT		30,724 74,983	32,496 108,544
SUBTOTAL:	2.730	105,707	141,040
LESS HOMEOWNERS EXEMPTION:		-52,854	-69,918
NET TAXABLE PROPERTY VALUE:		52,853	71,122

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

IF YOU SHOULD BE RECEIVING A HOMEOWNERS EXEMPTION, MAKE SURE IT IS REFLECTED.

TAXING DISTRICT INFORMATION

TAXING DISTRICTS	DISTRICT TELEPHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	(208) 392-4431	8-23-2016
SCHOOL HSB #73	(208) 793-2225	6-15-2016
ROAD & BRIDGE	(208) 830-7993	8-8-2016
HSB FIRE DIST.	(208) 793-2460	8-10-2016
HSB LIBRARY	(208) 793-3239	8-11-2016
HSB HOSP DIST		

Values reflected are as of January 1, 2016

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details