

Newbry, Ashley

From: Wendy Ogden [council.idaho.re@gmail.com]
Sent: Monday, September 21, 2015 2:37 PM
To: Newbry, Ashley
Subject: RE: Water right number 78-4265B

You have been a great help!! Thanks so much for EVERYTHING and have a wonderful week!

From: Newbry, Ashley [mailto:Ashley.Newbry@idwr.idaho.gov]
Sent: Monday, September 21, 2015 2:32 PM
To: Wendy Ogden <wendy@realidahoproperty.com>
Subject: RE: Water right number 78-4265B

You now have access to everything that I have. They must not have filed the abandonment, because I didn't see one in the file, and also 78-4265B is still an active water right in our database.

From: Wendy Ogden [mailto:wendy@realidahoproperty.com]
Sent: Monday, September 21, 2015 2:29 PM
To: Newbry, Ashley
Subject: RE: Water right number 78-4265B

Thank you!! That worked. Did Melton or Hustead ever file an abandonment?

From: Newbry, Ashley [mailto:Ashley.Newbry@idwr.idaho.gov]
Sent: Monday, September 21, 2015 2:04 PM
To: Wendy Ogden <wendy@realidahoproperty.com>
Subject: RE: Water right number 78-4265B

Okay, try this:

1. <http://idwr.idaho.gov/>
2. Under the "Water Rights" dropdown menu, click "Search Water Rights"
3. Click "I Agree to the Terms of Use"
4. Under "Adjudication, Water Right & Basin or Transfer" menu click the Check box for "Claim/Water Right/Basin"
5. Fill in: Basin Number = 78
Sequence Number = 4265
Split Suffix = B
6. Click "Save Search Parameter"
7. Click "Start Search"
8. Wait to load...
9. The water right will load at the bottom of the screen.
10. Click "More Options" link, then Click "Documents" link to view all of the documents.

Ashley

From: Wendy Ogden [mailto:wendy@realidahoproperty.com]
Sent: Monday, September 21, 2015 1:41 PM
To: Newbry, Ashley
Subject: RE: Water right number 78-4265B

Thank you so much for all the information. I cannot get the link to open???

From: Newbry, Ashley [mailto:Ashley.Newbry@idwr.idaho.gov]
Sent: Monday, September 21, 2015 12:49 PM
To: Wendy Ogden <wendy@realidahoproperty.com>
Cc: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>; Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: Water right number 78-4265B

Wendy,

I believe what you say below is correct. Yes, the water right is in the name of Hustead and Melton, so long as they own the property. Currently, I would assume that the Bank is eligible to file a "Change in Water Right Ownership" with the Idaho Dept of Water Resources, if they desired. Water rights can sometimes be withheld when a property is sold from one owner to another; this would be outlined in the deed.

In this case, the bank repossessed the property (most likely, along with its "appurtenances" – which would typically include water rights, unless stated otherwise in the deed). When they become the new owners, your clients should also be eligible to file a "Change in Water Right Ownership" with the Idaho Dept of Water Resources—assuming the deed does not make mention of any withholding of the water right(s).

I would encourage you and your clients to read some of the history on this water right on our website:

<http://wenet/apps/appsMisc/docSelection.asp?Basin=78&Sequence=4265&SplitSuffix=B>

From the documentation, it appears that the neighboring property (Ralph Sheets Jr) attempted to acquire 78-4265B in order to avoid the use of it by a new party, "should the Melton/Hustead" property be sold in the future." My records show that the attempt was unsuccessful because they do not hold the deed to 5607 Pines. The water right 78-4265B for a spring is still active for domestic use to one home.

To answer your second email, from the documents (link above) it appears that the spring *is* shared, and it lies on the Sheet's property (holder of 78-4265A). Your clients may consider pursuing an *easement* to the spring if they plan on using it instead of a domestic well. A water right simply establishes the right to use the water with the State of Idaho (Idaho Dept of Water Resources), but it does not guarantee access to the water itself.

I hope this information will help you and your clients during the process of this transaction.

Thank you,

Ashley Newbry

Associate Engineer

Water Rights Permits Section

Idaho Dept. of Water Resources

State Office

322 E. Front Street

PO Box 83720

Boise, ID 83720-0098

(208) 287-4800 X 4846



From: Wendy Ogden [<mailto:wendy@realidahoproperty.com>]
Sent: Monday, September 21, 2015 11:42 AM
To: Newbry, Ashley
Subject: Water right number 784265B

Hi Ashley,

I spoke to you Friday just before 5:00PM regarding the water right number 784265B. I am a realtor and have clients who have made an offer on the property at 5607 Pines Rd, New Meadows, ID 83654.

It is very important I understood our conversation as this is the water source for the home. The water right is currently in the name of Hustead and Melton. Hustead and Melton no longer own the property, it was foreclosed on and has gone back to the bank. Hustead and Melton may be reluctant to give back the water rights and we want to make sure they do not have a choice. We want to make sure the water right will go with the property and the new owners can transfer it into their name without having Hustead and Melton's approval.

Thank you in advance for any and all assistance!!!

Wendy

Wendy Ogden, Realtor, SFR

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