

Keen, Shelley

From: Keen, Shelley
Sent: Wednesday, September 03, 2014 5:51 PM
To: 'cookbign@yahoo.com'; 'acerealty@cableone.net'
Subject: RE: Water Rights for 50 Webster Lane, Horseshoe Bend, Idaho

Bob, (Bob Cook is a realtor.)

I should also have mentioned that there appears to be a well on the Swensons' land in SE¼SW¼ of Section 4, T6N, R2E. In Idaho, water can be diverted from a well for single-family domestic use without a water right filing, as long as the daily diversion does not exceed 13,000 gallons and the lawn/garden irrigation does not exceed half an acre.

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Keen, Shelley
Sent: Wednesday, September 03, 2014 5:35 PM
To: 'cookbign@yahoo.com'; 'acerealty@cableone.net'
Cc: Whitney, Rob
Subject: Water Rights for 50 Webster Lane, Horseshoe Bend, Idaho

Bob,

I apologize for taking so long to respond. Here is what I've been able to discover.

Yesterday you asked me if there are water rights appurtenant to the land at 50 Webster Lane in Horseshoe Bend. I found two adjacent parcels with that address. One is located in the NE¼NW¼ of Section 9, T6N, R2E. The other is in the SE¼SW¼ of Section 4, T6N, R2E. Both are owned by Timothy Swenson and Jennifer Swenson.

In my search, I found Water Right 65-3504 to be associated with those parcels. The Water Right 65-3504 authorizes water to be diverted from several springs for domestic, stockwater, and irrigation use. The irrigation use is limited to one acre. I have attached a copy of the water right decree issued in 2002. In 2011 IDWR received a notice that the Water Right 65-3504 was acquired by Sands, LLC. The ownership change was based on a district court judgment. In 2011 Sands, LLC, applied for an extension of time to avoid forfeiture for Water Right 65-3504. IDWR approved the extension until February 1, 2016. Usually, an extension of time protects a water right from forfeiture while the owner is determining how to use it in the future. Based on this history, it appears that the Swensons do not own Right 65-3504 and cannot use or sell it without first obtaining the permission of Sands, LLC. The documents pertaining to Water Right 65-3504, including the court judgment, can be viewed online at <http://www.idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=65&Sequence=3504&SplitSuffix=>.

While viewing 2013 aerial imagery of the Swenson's land, I also observed a small reservoir located on the Swensons' land in the NE¼NW¼ of Section 9, T6N, R2E. The reservoir appears to have been constructed since 2004. I cannot find record of a water right authorizing storage of water in the reservoir. Since 1971, anyone appropriating surface water in Idaho has been required to obtain a permit and license from IDWR. It may be possible to obtain a permit to fill the reservoir. Application forms are available online at <http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/WaterRightForms.htm> or at any IDWR office. Until such time that the landowner demonstrates ownership of a water right for the reservoir, it should not be used to store water.



Please call or email if you have additional questions.

Sincerely,

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947