

Skaggs, Pam

From: Skaggs, Pam
Sent: Thursday, September 04, 2014 11:11 AM
To: 'yocattle@yahoo.com'
Subject: 79-14108 Ownership Change Questions
Attachments: 79-14108 Ownership ltr-email.pdf

Carrie,

Shelley Keen asked me to review Right 79-14108 and the ownership questions you discussed.
Please see the attached letter with my response.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
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State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 4, 2014

Carrie Marek @ yocattle@yahoo.com

RE: Water Right No. 79-14108
Change of Ownership to Nick V & Mary Marlene Troche

Dear Carrie:

The ownership change submitted by Nick V. and Mary Marlene Troche (Troches) was processed in February of this year. Further review of the water right and ownership documentation submitted by the Troches finds assignment of the entire right to the Troches may have been made in error.

Right 79-14108 identifies stockwater use and domestic use related to one home per Snake River Basin Adjudication records. There doesn't appear to be a home or structure on the parcel documented as owned by the Troches under this right south of old Highway 95. There is a home or structures on Peggy Marek's parcel of land north of old Highway 95.

It appears that a correction of the processed Ownership Change will be necessary splitting the right to reflect the separate location of uses and ownership. I will contact the Troches to advise them of the steps to correctly complete the ownership change and provide an opportunity for them to submit any additional information.

A condition of the right limits the use under the right to a total diversion rate of 0.08 cfs and 13,000 gallons per day that will be carried to any split portions. Diversion of water from the common well will be limited to this rate and daily volume.

The well appears to be on the Troches parcel south of old Highway 95. A water right alone does not provide a right-of-way. An access or well operation agreement is between property owners and separate from a water right. A right-of-way is a property rights issue that is not within the department's jurisdiction. Disputes of property rights are a civil matter that if not resolved by the property owners may be determined by a court.

If you have any questions regarding this matter you can contact me by telephone at (208) 287-4951, email to pam.skaggs@idwr.idaho.gov, or reply by mail to the address listed above.

Sincerely,

Pamela S Skaggs
Water Rights Supervisor

Delivered by email 9-4-2014 08