



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 4, 2014

NICK V TROCHE
MARY MARLENE TROCHE
9400 ESTERBROOK
BOISE ID 83714

RE: Water Right No. 79-14108
Change in Ownership

Dear Mr. & Mrs. Troche:

Further review of the water right and ownership documentation provided with the Notice of Change in Water Right Ownership you submitted on 01-31-2014 finds assignment of the entire right to you appears to have been made in error.

Right 79-14108 identifies both 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 you 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 related to the right.

A correction of the processed ownership change will be necessary splitting the right to reflect the separate location of uses and ownership. I will update the current record to show the original right holder of record, Peggy J Marek, as the current owner of the right until your ownership change can be reprocessed.

A filing fee of \$100 per water right is required for ownership changes resulting in a division of a water right. You paid \$25 with your application when submitted in January. Please submit the additional \$75 filing fee needed for us to complete processing of the ownership change. Once the required fee has been submitted your Notice of Change of Water Right Ownership will be reprocessed splitting off the portion of the water right related to your property for stockwater use under a new water right number.

A condition of Right 79-14108 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 identified under this right appears to be on your parcel of land 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 additional information you would like to submit to support your change in ownership related to the domestic use or why this right should not be split, we will be happy to consider it.

Please submit the remaining \$75.00 application fee within 14 days to complete reprocessing your ownership change. 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,

A handwritten signature in cursive script that reads "Pamela S Skaggs".

Pamela S Skaggs
Water Rights Supervisor

c: Grant Baker Service Corp