

Skaggs, Pam

From: Skaggs, Pam
Sent: Thursday, August 21, 2014 12:37 PM
To: Cassel, Amy
Cc: Keen, Shelley
Subject: FW: POU overlap
Attachments: EVR_Stokes_overlap_POU.pdf; 74 Eagle Valley Ranch-Stokes overlap research-POU.pdf

Amy,

It looks like Eagle Valley Ranch (EVR) rights are described entirely on their property while the Stokes Rights 74-179D, 74-4006 and 74-15890 include one parcel owned by EVR. A total of 6.3 acres under the Stokes rights are appurtenant to EVR property per 2014 tax lot information; 1 acre in NESE and 5.3 acres in SESE, Section 29, T21N, R23E.

EVR can file a Notice of Change of Water Right Ownership to have these portions split off and placed in their name/ownership (\$300 fee for 3 split rights). An ownership change will not change any of the elements, simply split of a proportional share of each right. If they wish to change the configuration of the place of use or change the point(s) of diversion, an Application for Transfer is necessary (\$500 potential Transfer fee based on rate of diversion under the split portions of the rights in addition to ownership change fee).

If they have no interest in the 6.3 acres under these 3 rights in the Stokes name, they can quit claim their interest to the Stokes who would then have to attempt to remove them from EVR property. This might be difficult since the rights appear stacked with EVR rights, although a 2011 Transfer on the EVR rights did not include the Stokes rights. The Stokes would need to provide supporting evidence that the rights were never used on EVR land & the place of use description is in error. They could possibly pursue a correction through the SRBA Court or file a Transfer to move the 6.3 acres to their land. There would be no ownership change fee related to this scenario.

I hope this is helpful. If you have any questions, give me a call and we can discuss. We are actually processing Basin 73, 74 & 75 applications here at the state office, so I'll be glad to be your contact for future proposals in these basins.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700

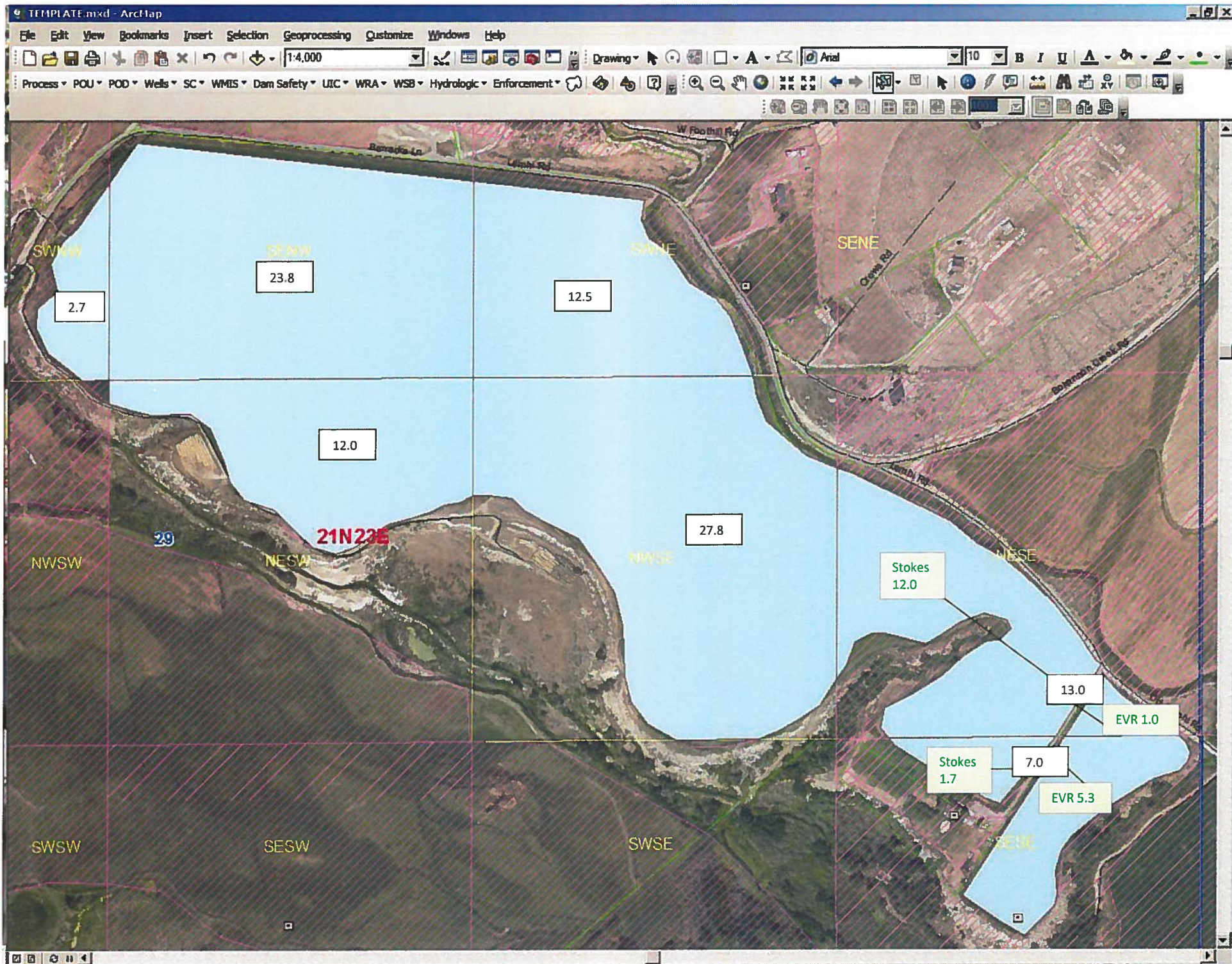
From: Cassel, Amy
Sent: Wednesday, August 20, 2014 3:58 PM
To: Keen, Shelley
Subject: POU overlap

Hi Shelley,

I recently had a meeting with a landowner on the Lemhi (on an unrelated matter) and he brought up the fact that his neighbor's POU overlaps his POU. I've attached a map with the POU in question and the associated water right numbers. Landowners are Eagle Valley Ranch and Dean and Betty Stokes. Looking at the taxlot, Eagle Valley Ranch owns the ground that the POU is on.

EVR is pretty on top of all their water rights and noticed this discrepancy and asked if I could look into for him.

Thanks,
Amy





Stokes
74-15890
74-179D
74-4006

Eagle Valley Ranch
74-215
74-173
74-778
74-779
74-2348
74-15740