



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

February 12, 2014

CACHE & KRISTIN MILLER
PO BOX 981
EDEN UT 84310-0981

RE: Research Property Ada County Parcel R3720002850
Water Right 63-3051A

Dear Cache & Kristin Miller:

I am responding to an inquiry letter dated 01-14-2014 sent to the Idaho Department of Water Resources regarding the property referenced above. This property is also described as a portion of the SESE, Section 9, Township 4N, Range 1W, Boise Meridian. This parcel is 0.2 acres and historically associated with Liberty Grange No. 152. A water right was claimed and adjudicated in the Snake River Basin Adjudication (SRBA) resulting in a partial decree from the court under Right 63-3051A.

This right is currently in the name of Liberty Grange No. 152. You should submit a Notice of Change of Water Right Ownership as the current property owner since you propose continued use of water. This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Please submit the required conveyance documents, a map and the \$25.00 application fee with the form.

Review of Right 63-3051A shows the well used as the historical point of diversion of ground water has always been on another person's land. The well was shared and used for both Rights 63-3051A and 63-3051B currently in the name of Craig Thomson. A water right alone does not provide access to a well on another's property. There must be a separate access or right-of-way agreement from the property owner.

It appears from your letter that accessing the original well is no longer possible. Since the original well is located in the NWSE, Section 9, a transfer may be required to change the point of diversion to a new location if it is located in a different legal description such as the SESE, Section 9 where the place of use is located. You can file an Application for Transfer of a Water Right proposing to change the point of diversion to a new or existing well. There is a \$200.00 application fee associated with this process for the amount of water authorized under Right 63-3051A.

You can propose to (1) drill a new well on your property (this lot or the adjacent lots you own) or (2) identify an existing well that you have access to and are willing to pipe the water to the place of use. There doesn't appear to be any obvious impediment to a transfer of your point of diversion, but each application requires a public notice or advertisement and there is always the possibility of protest. Filing a transfer application does not guarantee that the change will be approved, nor does IDWR have any obligation to pay application fees or construction of a new well.

You can read much more about the transfer process on our website at
http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.

An Application for Drilling Permit is required for construction of a new well. The permit can usually be obtained through the driller for Domestic use as described under Right 63-3051A. You can also file the application with the required information and \$75.00 fee.

Both the ownership change and Application for Transfer forms and instructions are on our website at <http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/WaterRightForms.htm>.

The Application for Drilling Permit and instructions are available on our website at <http://www.idwr.idaho.gov/RulesStatutesForms/WellConstruction/WellFormsRules.htm>.

I have enclosed a copy of the SRBA Partial Decree of Right 63-3051A and a geographic representation of the right (map layout) for your review. Let me know if you cannot access the website or you would prefer we mail you any of the identified forms.

If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail, and I will be happy to assist you.

Sincerely,

A handwritten signature in cursive script, reading "Pamela S. Skaggs".

Pamela S. Skaggs
Water Rights Supervisor

Enclosures: Partial Decree 63-3051A & map layout

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-03051A

NAME AND ADDRESS: LIBERTY GRANGE NO 152
370 HWY 16
EAGLE, ID 83616-4154

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 05/19/1955

POINT OF DIVERSION: T04N R01W S09 NWSE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.02 CFS

Domestic use is in a Grange Hall.

PLACE OF USE: Domestic Within Ada County
T04N R01W S09 SESE

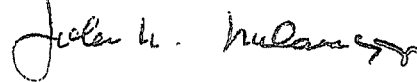
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

Water Right

63-3051A

01W

04N



● Point of Diversion

□ Place Of Use Boundary

□ Townships

□ PLS Sections

□ Quarter Quarters

□ Taxlots

0 0.005 0.01 0.02 Miles

