

Hersley, Jean

From: Grimm, Angie
Sent: Tuesday, November 26, 2013 3:24 PM
To: vlmspfire@centurylink.net
Cc: Hersley, Jean
Subject: RE: Questions 78-4265B

Tracking:	Recipient	Delivery
	vlmspfire@centurylink.net	
	Hersley, Jean	Delivered: 11/26/2013 3:24 PM

Ms. Melton,

Good afternoon! Jean Hersley requested I respond to the second question in your email below. Water right 78-4265B authorizes domestic use only from a spring located in the NW NE NE of Section 16 T22N R1E (on Sheets' property per my previous conversations with Debbie Sheets) for a house located in the SE SE Sec 9 T22N R1E (at 5607 Pines Rd per your email below). Water right 78-7041 authorizes 0.03 cfs domestic internal use for up to two houses and irrigation of up to 5 acres at the property you recently purchased (5641 Pines Rd) from a spring in the SE SW Sec 9 T22N R1E on BLM land. Moving right 78-4265B (changing the place of use and/or point of diversion) would require you filing an Application for Transfer of Water Right. Right 78-4265B can only be used for minimal irrigation (no more than ½ acre) in connection with a house, because it is a domestic use water right. A transfer application requires a \$200 filing fee (form and instructions can be found on the Department's website at www.idwr.idaho.gov). Processing of a transfer application requires review of the water right being changed and the proposed new use including authority to file the transfer, water right validity (has the right been used within the last five year period), injury to other water rights, enlargement of use, local public interest, overlap with other water rights, etc.

Per my previous discussions with Mrs. Sheets, it appears you may be concerned with a future new owner of your property at 5607 Pines Rd using right 78-4265B. If it is truly your intent to further develop the spring on BLM land associated with your new property (modify the spring system to increase the capacity beyond that previously measured to be 0.03 cfs), than transferring right 78-4265B is a good option. However, if you don't intend to further develop the spring on BLM land and only wish to preclude a future owner from using the spring located on the Sheets property, a more cost effective option would be to formally abandon right 78-4265B (no fee) as I discussed with an email to Mrs. Sheets on Oct 9 (which hopefully she shared with you).

Please feel free to email me or call me if you wish to discuss these water rights and your options further. My phone number is 208-334-2190. I hope this information has been helpful.

Sincerely,

Angela M. Grimm, P.G.
Water Resources Agent, Sr.
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Victoria Melton [<mailto:vlmspfire@centurylink.net>]
Sent: Sunday, November 24, 2013 8:02 AM

To: Hersley, Jean
Subject: Questions

I recently purchased a property, at 5641 Pines Road. I would like to transfer the water rights over to my name. The water right number is 78-07041. Do I just use a general transfer form for this?

Second, I also have a water right jointly with John G Hustead, 78-4265B point of use being at 5607 Pines Road for domestic use. We would like to transfer this water right to 5641 Pines Road for irrigation purposes only. How do we do this?

Both rights are for Source; Spring

Victoria Melton

Hersley, Jean

From: Grimm, Angie
Sent: Wednesday, October 09, 2013 4:11 PM
To: doodlebug-17@yahoo.com
Cc: Hersley, Jean
Subject: 78-4265B Adandonment
Attachments: abandonment.pdf

Mrs. Sheets,

Per your request, I'm emailing to document our discussion regarding the options your neighbors have regarding their water right 78-4265B. A change of ownership has been filed with the Department to change the water right ownership from Victoria Melton and John Hustead to the Sheets. This ownership change cannot be accomplished without the execution of a conveyance document, i.e. water right grant deed, warranty deed, etc. because water rights are real property similar to land. Right 78-4265B authorizes use of spring water on the Melton/Hustead property. If ownership is conveyed, the Sheets would still not be authorized to use the right on their property without a Transfer Application being filed to change the water right place of use. However, because the Sheets' already have a full domestic right for one home from the same spring (78-4265A) with the same priority date, IDWR would not be able to approve such a transfer application because it would create a duplication of rights (two rights for exact same use, from exact same source, on exact same land).

After discussing the circumstances, it appears the ultimate goal in your situation is to avoid the use of right 78-4265B by a third party should the Melton/Hustead property be sold in the future. You indicated spring water is not currently used for domestic purposes on the Melton/Hustead property, rather a well is used. Since right 78-4265B is no longer in use, one option that will accomplish your goal would be to formally abandon the right by completion of the attached Notice of Abandonment of Water Right. Upon submittal of this notice, IDWR will document the water right file and update our records to indicate the right has been abandoned, meaning it is no longer a valid/active right in that no one (current or future landowner) would be authorized to use the right. This form should be completed by all current owners of right 78-4265B and notarized. There is no fee for this form. Please feel free to contact myself (208-334-2190) or Jean Hersley (208-287-4800) should you have any questions. Hope this information is helpful.

Sincerely,

Angela M. Grimm, P.G.
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