

Grimm, Angie

From: Grimm, Angie
Sent: Wednesday, October 09, 2013 4:38 PM
To: 'vlmspitfire@centurylink.net'
Cc: Hersley, Jean
Subject: FW: 78-4265B Adandonment
Attachments: abandonment.pdf

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

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