

## Grimm, Angie

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

| Tracking: | Recipient                     | Delivery                      |
|-----------|-------------------------------|-------------------------------|
|           | 'vlmspitfire@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](http://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

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**From:** Victoria Melton [<mailto:vlmspitfire@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