



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

September 3, 2013

DOUG & TRICIA PLOSS
10307 GOODSON RD
MIDDLETON ID 83644

Re: Water Rights 67-445 and 67-11371

Dear Doug and Tricia:

Doug called recently with questions about Little Weiser River water rights. I did some research to answer his questions and discovered errors in the Idaho Department of Water Resources (IDWR) records for your above referenced water rights. This letter summarizes the situation for your consideration.

67-445, Little Weiser River

You completed an ownership change for both rights as acknowledged by a December 2008 IDWR letter to you. The data entry update for 67-445 was overlooked in this process. This type of mistake is easily corrected without any formal action required from the right owner. I corrected this record today as noted in the enclosed printout.

67-11371, Domestic Well

This right covers a domestic well for your home at 580 Indian Valley Road. The well is close to the home according to Doug's information in our recent conversation. The water right record lists the well in a completely different location many miles southeast of the home, see enclosed printout. This was probably a simple "typo" associated with data entry for the location of the point of diversion for the river right (Richardson Ditch in T13N R1E).

Unfortunately this mistaken well location was not corrected by IDWR or by the prior owner(s) in the Snake River Basin Adjudication (SRBA) proceedings. This resulted in the domestic right being decreed by the SRBA Court with an incorrect point of diversion. This error does not jeopardize the right or the ability to use the well.

However, a simple correction of this typo is not possible under Idaho law because the error concerns an element of a water right that can only be changed by a formal process. A decreed right can be changed by petitioning the Court to revisit the matter or by filing an Application for Transfer with IDWR to formally change the point of diversion. A transfer application would require a \$200 application fee. IDWR lacks authority to waive the fee under Idaho law.

It is also possible to abandon domestic right 67-11371 by submitting a written statement to IDWR to that effect. Use of a well for a home does not require any water right approval, I. C. § 42-111. Abandoning this right would not affect your use of the well.

Water Rights 67-445 and 67-11371

September 3, 2013

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I imagine none of these alternatives are appealing. Ideally the water right record would be formally addressed one way or another. Please note IDWR cannot compel you to do anything in this regard. The water right record has been noted to at least identify this error, even if the error is not formally corrected.

I regret any inconvenience this might cause you. Please let me know if I can do anything else for you in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", with a stylized, flowing script.

Steve Lester
Water Rights Supervisor

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2013

Water Right 67-445

Owner Type **Name and Address**
Current Owner DOUG R & TRICIA A PLOSS
10307 GOODSON RD
MIDDLETON, ID 83644

Priority Date: 6/1/1895

Basis: Decreed

Status: Active

Source
LITTLE WEISER RIVER

Tributary
WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	10/31	0.340 CFS	
	<u>Total Diversion</u>		0.340 CFS	

Source and Point(s) of Diversion

LITTLE WEISER RIVER NWNESW Sec. 6, Twp 13N, Rge 01E, ADAMS County

Place Of Use

IRRIGATION within ADAMS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	01W	26		19.4	7.6														27.0

POU Total Acres: 27.0

Conditions of Approval:

1. C18 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. Section 42-1412(6), Idaho Code.

Comments:

1. slester 9/3/2013 **Ownership Correction**
Ownership change for current owner Ploss was processed (see 12/18/2008 department letter) but the associated data entry was overlooked. Corrected data entry completed and Ploss notified per letter today.

Dates and Other Information

Decreed Date: 10/20/2008

9/3/2013

Water Right 67-11371

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOUG R & TRICIA A PLOSS 10307 GOODSON RD MIDDLETON, ID 83644

Priority Date: 6/1/1895

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		0.020 CFS	

Source and Point(s) of Diversion

GROUND WATER SENWNE Sec. 26, Twp 13N, Rge 01E, ADAMS County

Place Of Use

DOMESTIC within ADAMS County

[illegible]

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | C18 | 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. Section 42-1412(6), Idaho Code. |
| 2. | N13 | The quantity of water under this right shall not exceed 13,000 gallons per day. |
| 3. | N11 | The quantity of water decreed for this water right is not a determination of historical beneficial use. |
| 4. | | Parcel No. RP 14N01W260600T |

Comments:

- | 1. | stester | 9/3/2013 | Well Location |
|----|---|----------|---------------|
| | Point of diversion for well actually in same location as home, T14N R1W S26 NWNE. Well not in T13N R1E S26. Appears to be error not corrected in SRBA proceedings so was decreed with mistaken location. Discussed with current owner Ploss 8/20/2013 and addressed in letter to Ploss today. Point of diversion cannot be changed without a formal process. Might be possible to change GIS location for well without formal process. See 8/27/2013 email scanned to file. | | |

Dates and Other Information

Decreed Date: 10/1/2001