

Keen, Shelley

From: Spackman, Gary
Sent: Tuesday, March 26, 2013 10:10 AM
To: Senator Shawn Keough
Cc: Peppersack, Jeff; Keen, Shelley
Subject: Trudy Branson/Trudy Day/Gertrude Day Water Right License

Senator Keough,

You asked me to respond to a constituent inquiry from Trudy Branson/Trudy Day about a rejection by IDWR of a request for change of water right ownership filed by Gertrude Day. The request for change of water right ownership asked that Gertrude Day be recognized as the current owner of water right no. 98-7193. I do not know the relationship between Trudy and Gertrude.

Staff at IDWR reviewed documents related to the permitting and licensing of water right number 98-7193. The documents contain conflicting information about the location of the domestic residence. The original water right holder bears some the fault for the locational mistake. IDWR's water right examiner probably could have been more thorough in locating the residence when he examined the system and use in the 1980's. Because of GPS technology, we can now determine the residence was not located in the proper public land survey location, and the water right license incorrectly describes the wrong location.

Under most circumstances, the water user would be required to file an application for transfer to correct the inaccurate place of use description. However, given the small magnitude of the correction and the partial responsibility of IDWR in wrongly identifying the place of use, I've asked staff to issue an amended license. The amended license will identify the correct location for the Day residence, and the change of ownership will be processed and approved. IDWR will notify those who own property in the public land survey parcel where right no. 98-7193 was licensed to ensure others do not have an ownership interest in the water right. I hope this will address your constituents concern.

I admire what you do in the legislature, and regret I didn't have the chance to interact with you during this past session.

Gary Spackman