



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

December 20, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SCOTT G HERZOG
KIMBERLY J HERZOG
517 AIRWAY DR
LEWISTON ID 83501

RE: Change of Ownership for Water Right 85-15446

Dear Water Right Holder:

The Department of Water Resources is in receipt of your Notice of Change in Water Right Ownership submitted for water right 85-15446. Your notice listed Scott Herzog only as the new owner and requested a division of the water right.

The warranty deed submitted with your notice indicated that the property was conveyed to Scott G. Herzog and Kimberly J. Herzog. The deed also indicated that the conveyance was subject to the Water Ownership Agreement recorded as Instrument # 197050. I obtained a copy of that agreement from the recorder's office. The agreement indicates that the water right shall be granted equally as tenants in common.

Based on my review of the deed and agreement, I have added Scott G. Herzog and Kimberly J. Herzog as current owners. The water right will not be divided. I have requested that a refund in the amount of \$75 be mailed to you. Enclosed is a copy of the agreement and a copy of the water right report which reflects the updated ownership of the water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Emalee Rushing
Administrative Assistant

Enclosure

CC: KEVIN & BOBBIE JO HOENE