

MEMORANDUM

Date: December 02, 2011
To: Water Right File 22-12175, 22-12176 and 22-12177
From: medl
Re: ownership

My activity on these file began as an office day phone call from Diane Ciesinski. She wanted to verify which form to use for a name change. She explained that she was consolidating two family owned LLC's (one based in Idaho one based in California) into a single LLC based in California.

I agreed to act as her point of contact with the Department. I asked her to submit a letter to the Department explaining the request and to provide a copy of the conveyance document and copies of the certificates of organization and/or status of the California LLC.

The requested documents arrived 11/25/2011. I showed them to Emalee Rushing and learned that this requested name change was considered a change in water right ownership by the Department.

I phoned Diane Ciesinski on 11/28/2011. I explained that the process she needed was an ownership change and that she could obtain the form and the document and the fee requirements for processing from the IDWR web site. I also explained that the Department was not equipped to accept electronic funds. I agreed to hold what she had submitted until she could complete the necessary followup.

The completed Notice of Change in Water Right form, fee and Warranty Deed arrived 12/1/2011. Emalee Rushing analyzed the water right decrees and the conveyance documents. Her analysis showed that some lots were not conveyed and appear to have been sold.

I phoned Diane Ciesinski this morning 12/2/2011 and forwarded the water right analysis E Rushing had provided to me. We discussed the water right coverage in this subdivision and she agreed that some of the lots had been sold prior to her ownership change process request. She had not understood that the water rights were appurtenant to the lots and when they sold the lots they split the water rights.

She did not understand why some lots had no coverage. I very briefly discussed how they could get the place of use altered if they desire but the decreed place of use covered only the South half of the subdivision.

The Ciesinski family hope to complete the change of ownership process before the end of the year. The LLC consolidation is to simplify their tax accounting. Diane Ciesinski also expressed a wish that the soon to be dissolved Sierra Charlie Associates LLC no longer be listed as owner of the water rights. I explained that until the new lot owners filed their part of the ownership change, the rights would remain in the name of the Sierra Charlie Associates, LLC.

I believe that the Ciesinski family understand that the rights have been split and that additional fees are needed to complete the processing. I did not request a time line for additional fee payment from Diane Ciesinski. I will hold the files for another 7 days before taking action on the deficiency.