



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

September 1, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JACOBSON SWAN VALLEY LLC
2233 BLUESTEM LN
BOISE ID 83706

RE: Notice of Change in Water Right Ownership for Water Right 23-98D

Dear Interested Party:

The department is in receipt of your notice of change in water right ownership, the warranty deed and a copy of the purchase and sale agreement. Additional clarification is needed before we can process your notice.

When processing an ownership change, the department relies on the conveyance document (warranty deed in this case). The purchase and sale agreement is not a conveyance document.

The warranty deed you submitted indicates that the premises and appurtenances are conveyed to you. Water rights are considered to be an appurtenance to the property. I found that there are three water rights which are appurtenant to your property. It appears that a proportional division of each water right would be appropriate. The three appurtenant water rights are listed in the chart below. I have calculated the proportionate division of each water right. Enclosed is a copy of each water right report for reference.

Water right	Acres	Limited acres/season	Div. Rate	Combined div. rate limited
23-98D (total)	111.7	n/a	1.27 cfs	n/a
South Fork (portion)	107.1	n/a	1.22 cfs	n/a
Jacobson (portion)	4.6	n/a	0.05 cfs	n/a
23-16A (total)	111.7	87.5	1.75 cfs	This right and 23-48D have have combined use limitation – see 23-48D
South Fork (portion)	107.1	83.9	1.68 cfs	
Jacobson (portion)	4.6	3.6	0.07 cfs	
23-48D (total)	111.7	75.5	1.51 cfs	2.23 cfs
South Fork (portion)	107.1	72.4	1.45 cfs	2.14 cfs
Jacobson (portion)	4.6	3.1	0.06 cfs	0.09 cfs

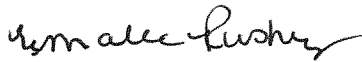
Note: All three water rights are limited to the irrigation of a combined total of 111.7 acres in a single irrigation season. When divided, it would be 107.1 acre limit for South Fork and 4.6 acre limit for Jacobson.

When looking at the purchase and sale agreement, it appears that 0.20 cfs of water right 23-98D was to be conveyed to you along with the other appurtenant water rights. To complete the ownership change for right 23-98D with the diversion rate of 0.20 cfs, you would need to file an application for transfer as this diversion rate exceeds 0.03 cfs per acre for 5 acres or less. The transfer review process would include a determination of whether the higher rate would be justified based on soils, crop type, irrigation system, climate and reasonable conveyance losses from the point of diversion to the place of use. A transfer is also required if you plan on changing the point of diversion. The application for transfer form is available from any department office, or at the department's website at: www.idwr.idaho.gov.

Based on the documentation submitted, we can only proceed with a proportional split of the water right(s). If this was not the intention of the buyer and seller, the department would need to see a conveyance document which clarifies the intended division of the water right(s). If you want to pursue an ownership change of all three appurtenant water rights, you would need to submit the \$200 fee (\$100 per ownership change of a divided water right).

Please let me know within the next 30 days how you would like to proceed. If you need more time, or have any questions, you may reach me at 208-287-4952. You can also reach me via email at Emalee.Rushing@idwr.idaho.gov.

Sincerely,



Emalee Rushing
Office Services Supervisor

Enclosures

Cc: SOUTH FORK MEADOWS LLC
1645 WOODRUFF PK
IDAHO FALLS ID 83401