



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 11, 2010

MORGAN PLANT
MARILYN PLANT
2598 E OMERA ST
MERIDIAN ID 83646

Dear Mr. and Mrs. Plant:

Recently you wrote to this office regarding changing ownership on water rights 63-4706 and 63-10960 from Sue and Tom Davis to the Champion Park Subdivision Home Owners Association. I am in receipt of a letter from Tom and Sue Davis stating their intention to transfer the ownership and rights to the HOA. What I can do next depends on how the lots in the subdivision were sold. I have spoken to our Technical Records Specialist and have explained the options she gave me below.

In a traditional development, the developer typically buys the property, builds the homes and sells them without retaining the appurtenant water rights in the deeds. When the HOA tries to change the ownership into their name, we can't complete the ownership change. In this case, which may well be the case for your HOA, we request that the HOA obtain some type of deed from each lot owner which conveys their interest in the water right to the HOA. We see various types of conveyances, but most often quit claim deeds. In addition, our Technical Records Specialist told me that she often sees that the well and the system are conveyed to the HOA but rarely the water right itself.

If this describes the situation of your HOA, you have a way forward by acquiring quit claim deeds from the lot owners. If this situation inaccurately describes the situation of your HOA, please contact me at (208) 287-4907 and I can research other options.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent
Water Management Division