



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 5, 2010

DAVID L SQUIER
SUE S SQUIER
56 LAUREL RD
NEW CANAAN CT 06840

RE: Notice of Change in Water Right Ownership 37-7807
Overlap of 37-7807 and 12919

Dear Mr. and Ms. Squier,

The Idaho Department of Water Resources recently received the signed application for amendment for permit 37-7807. Thank you for your response.

The Department was almost ready to issue the final license for 37-7807, and much to my embarrassment, an error with the ownership documentation was found that I should have addressed with you in my last correspondence. In addition, I wanted to bring to your attention the fact that you have two overlapping water rights where one is essentially of no benefit to you and could be withdrawn.

Ownership:

Despite that the water right amendment I sent you listed you as the current owners of the water right, IDWR has not received the necessary completed Notice of Change in Water Right Ownership form and associated filing fee of \$25.00 required by Idaho Code 42-248. Without this, I have no option but to issue the license in the name of the permit holder of record: James R Reid. I am very sorry I didn't address this previously.

I am enclosing a partially completed Notice of Change in Water Right Ownership form along with a postage paid envelope. Please complete the form and return it to this office with the filing fee of \$25. Again, I am sorry I didn't address this earlier. Please feel free to contact me with any questions.

Overlap:

The other issue I wanted to bring to your attention is the overlapping nature of water right 37-7807 and 37-12919. On the licensing amendment you were sent in February, you saw language that limited use of 37-7807 and 37-12919, to 0.04 cfs and 0.6 acre-feet per year. The reason for this is because you essentially have two water rights for the same purpose.

37-12919 was partially decreed by the SRBA court on July 17, 2000 (enclosed). 37-12919 authorizes 0.04 cfs for domestic use from ground water for one home. 37-12919 has a priority date of 6-29-1983.

In addition to 2.9 acres of irrigation, 37-7807 also authorizes 0.04 cfs for domestic use from ground water for the same home. However, 37-7807 has priority date of 11-8-1979.

What this means is that 37-12919 is essentially obsolete as it doesn't give you anything that license 37-7807 doesn't authorize with an older priority date.

This is not entirely uncommon. At the commencement of the Snake River Basin Adjudication, many people filed for a water right with the court that might be slightly different than one they already had on record through the permitting process. The claim with the court was processed on one track, and the application for permit was processed on another. Later, we find that there are two water rights for essentially the same thing. In this case, where the elements of the water right with the Jr. priority date are completely covered under a water right with a senior priority date, the water right holder can abandon the obsolete water right.

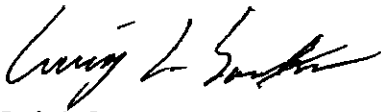
If you chose to abandon decreed right 37-12919, it would not affect your authorized water use, and IDWR could remove the appropriate conditioning language (circled in pink on the enclosed draft license). However, this is not a requirement for the state to issue license 37-7807. Let me be clear that if you choose not to abandon 37-12919, it will not in any way prevent or prolong the issuance of license 37-7807.

For your review, I have enclosed a copy of partial decree 37-12919 and draft license 37-7807. In addition, I have enclosed an abandonment form.

I am sorry I did not address these issues with you in our previous correspondence. Please do not hesitate to contact me with any questions.

If I do not receive correspondence from you by **April 5, 2010**, I will move forward with issuing license 37-7807 in the name of James R. Reid. Despite the name the water right is in, a water right is applicable to the property. A change of ownership can then be submitted at a later date to put the water right in your name.

Respectfully submitted,



Craig L. Saxton
Water Right Supervisor
Water Permits Section

Enclosure(s): Notice of Change in Water Right Ownership Form
Postage paid envelope
Draft license 37-7807
Copy of partial decree 37-12919
Abandonment of a Water Right form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
37-7807					

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts. *\$25.00*

☒ A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
(No Need: I have a copy of this in the file)

☒ Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office). *(I have this in the file too)*
OR

D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

James R. Reid

4. New Owner/Claimant(s)

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

() Email:

5. Date you acquired the property

June 1, 1999

~~6~~
N/A

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07807

Priority: November 08, 1979

Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 10.8 AF

It is hereby certified that DAVID L SQUIER
56 LAUREL RD
NEW CANAAN CT 06840

And

SUE S SQUIER
56 LAUREL RD
NEW CANAAN CT 06840

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 08, 1979; and has submitted Proof of Beneficial Use on August 09, 1990. An examination indicates that the works have a diversion capacity of 0.09 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	05/01 to 10/31	0.07 CFS	10.2 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SE1/4 Sec. 23, Twp 05N, Rge 17E, B.M.
BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 17E 23																1.1	1.1
05N 17E 26	1.8																1.8

Total Acres: 2.9

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 17E 23																X	
05N 17E 26	X																

Draft C. Smith 3-5-10

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-07807

CONDITIONS OF APPROVAL

1. Domestic use is for one home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
2. Point of diversion and place of use are located within Lot 2 of Potters Subdivision.
3. Point of diversion and place of use are located within HES 128.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Domestic use under rights 37-7807 and 37-12919 when combined shall not exceed a total diversion rate of 0.04 cfs, a total annual diversion volume of 0.6 af, and 1 home.

Draft C. Smith 3-5-10

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-12919

200 JUL 17 AM 9:27

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DAVID L SQUIER
SUE S SQUIER
56 LAUREL ROAD
NEW CANAAN, CT 06840

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/29/1983

POINT OF DIVERSION: T05N R17E S23 SWSESE Within Blaine County

THE POINT OF DIVERSION IS ON H.E.S 128.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOUSE	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic T05N R17E S23 SESE Within Blaine County

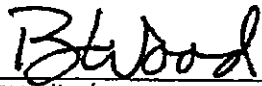
THE PLACE OF USE IS ON H.E.S 128.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

ABANDONMENT OF WATER RIGHT

To: State of Idaho Department of Water Resources

I/We wish to abandon water right No(s), _____, in the name of

Signed this _____ day of _____, 20 _____.

Signature of Water Right Holder(s)

(Title)

Signature of Water Right Holder(s)

(Title)