



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 22, 2010

SUSAN SILENCE
1894 WEISER RIVER RD
WEISER, ID 83672

RE: Water Right 67-4026

Dear Susan Silence:

Today, the Department of Water Resources received a phone inquiry from you which indicated that there may be an error in the place-of-use and point-of-diversion for decreed water right **67-4026**. (At your request, I have enclosed a copy of the decree.) A database inquiry paired with recent aerial photography indicates that the ownership of this right, the place-of-use and points-of-diversion need to be updated. A portion of the original place-of-use for this right is property now owned by Patrick and Karen Milligan. The remnant portion of the original place-of-use for the right is property appears to be owned by you and your husband Gerald and Susan Silence. It appears that the right should have been split as a result of a change in property ownership. However, the IDWR database does not show this water right has been split due to a property ownership change nor does the database show the location for the three spring sources. In order to make appropriate changes the Department needs some additional information from you.

Section 42-248, Idaho Code, requires that all persons owning or claiming ownership of a water right shall provide notice to the department of water resources of any change in ownership of any part of a water right or any change in the owner's mailing address. A notice of change in ownership of all or part of a water right shall be accompanied by a filing fee, and by evidence showing the basis for the change in ownership and how the right is divided if the change divides the right among multiple owners. I have found evidence in the Departments files that ownership change documents were received. But those documents did not ask for a split in the water right and the ownership may have been processed without recognizing the need to split the water right.

As promised this morning, I am enclosing an aerial photo of the area (Twp 11N Rge 04W showing taxlots of section 31 and sec 32). That map should assist you in communicating to the Department. I have labeled two pink colored circles that are general locations of each point-of-diversion. Technology has advanced so much in the last few years that we can now place the springs much more accurately than before. Please indicate on the enclosed photo the location of the spring that is on your property.

The Department's taxlot information is periodically received from each county. In your case the Washington county taxlot information we have appears to be out of date. A copy of the new survey you have had completed would help us understand how this right should be portioned between your property and your neighbors, Patrick and Karen Milligan. I believe that decreed

water right 67-4026 should have been split into two parts when the Milligans bought their property.

Splitting a water right is more complex than an ownership change. The filing fee for division of a water right is \$100 per water right to be divided. Additional fees are required before the process can be completed.

In our phone conversation, you stated that you understood that the right had been split by use. The domestic use (1 home) has been changed to the Milligans property only, which you stated is correct. However, you also stated that the stockwater place-of-use for this right should be only on your property. The Department's database shows the stockwater place-of-use is on both your property and the Milligan property.

The 2008 ownership change appears to have been submitted to the Department's western region office and I recommend that you contact that office first to try to get the necessary corrections made.

Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
Phone: 334-2190

Water right owners are required to report any change in water right ownership or change in the owner's address to the department within 120 days of the change. Failing to report these changes in a timely manner could result in a \$100 late filing fee. So in addition to the other corrections we need to get your updated address. I have enclosed a blank change of address form for your use.

Please feel free to contact either this office or the Western Region office in Boise (334-2190) if you have any questions.

Sincerely,



Michele Edl
Associate Engineer

Enclosure(s)