



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 14, 2010

THEODORE AND TAMMY ROOSEVELT
JOSEPH MORISETTE AND WILLA ROSE
8894 W MARTHA AVE
MOUNTAIN HOME ID 83647

ALLAN AND CARMEN ADAMS
OR CURRENT OWNER OF
9134 MARTHA AVE
MOUNTAIN HOME ID 83647

RICHARD AND LADEAN DENNING
8240 W MARTHA AVE
MOUNTAIN HOME ID 83647

WILLIAM AND NICKI KELLY
8500 W MARTHA AVE
MOUNTAIN HOME ID 83647

BERND AND CARON WEGNER
820 GREGORY LN
MOUNTAIN HOME ID 83647

RE: Notice of Change in Water Right Ownership

Dear Water Right Holders:

The Department has been in receipt of a series of ownership change requests for a portion water right number 61-7384B which was decreed in the names of Allan L. Adams and Carmen E. Adams. A review of each split has revealed some errors in the way the Department divided the original water right. Consequently, your portion of the water right has been affected.

Water rights are considered an appurtenance and are conveyed with the property as such. If a deed is silent as to any specific conveyance or exclusion of the water right, then the portion of the place of use which is appurtenant to the property is conveyed to the new owner. Water rights, which have conditions that limit the rate, volume and acres which can be irrigated, are divided in proportion to the percentage of the original water right.

I reviewed each deed that was submitted with each Notice of Change in Water Right Ownership and found that they all appear to be silent as to any specific conveyance or exclusion of water rights. The water rights were conveyed as an appurtenance and should be split in proportion to the property conveyed.

The table inserted below lists the parent water right and then lists the corrected portion of the divided water right for each owner. Please note that although the parent water right authorized a permissible place of use (PPU) for the irrigation of 236 acres, the right was limited to the irrigation of 65 acres within the PPU in a single irrigation season. This limit was split proportionally between each water right. For your convenience, I have also enclosed a report of each water right as split.

Current or last known WR holder	Water Right No.	PPU	CFS	Volume	Acre Limit
Parent (Allan & Carmen Adams)	61-7384B	236	0.73	260	65
Denning	61-12019	40	0.12	44.1	11
Kelly	61-12038	39.5	0.12	43.5	10.9
Wegner	61-12143	38	0.12	41.9	10.5
Roosevelt/Morisette/Rose	61-12254	79	0.25	87	21.7
Remainder (9134 Martha Ave)	61-12253	<u>39.5</u>	<u>0.12</u>	<u>43.5</u>	<u>10.9</u>
TOTAL		236	0.73	260	65

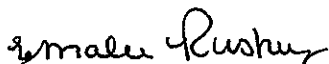
Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code or visit our website at www.idwr.idaho.gov.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

If you feel the Department has described your portion of the water right incorrectly, please provide additional documentation which supports your position. Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Emalee Rushing
Office Services Supervisor

Enclosures