

Hersley, Jean

From: Sam Laugheed [slaugheed@canyonco.org]
Sent: Wednesday, May 06, 2009 11:30 AM
To: Hersley, Jean
Subject: change of ownership 63-15664; 20774; 12502

Hi Jean,

Your email of April 6 was forwarded to me for response. First, thanks for your time!

As to water right 63-15664, I am not sure why it lists a Lucile Harris when Lucile's name did not appear on the deed to the land. I am confident that the County's purchase of that land was complete and thorough, though, and that the documents relating to the purchase are correct, and so would suggest that perhaps the Harris' failed to update IDWR on the ownership of the water right.

As to permit 63-12502, I don't know that it would be effective use of County or IDWR resources to transfer the permit so that it can be further developed, as we really have no need for it assuming our request for an extension to perfect permit 63-32981 is granted. We want to keep the domestic rights just to protect that interest in the event our jail-building plans don't work out and we sell the property and don't plan to develop a third domestic permit.

I have attached one of the letters we sent on April 1 that addresses why we sent \$175 and gives some further background on our requests.

Please let me know what other information I can provide to help complete this process. Thanks,
sam

Samuel B. Laugheed
Deputy Prosecuting Attorney, Civil Division
Canyon County Prosecuting Attorney's Office
1115 Albany Street
Caldwell, ID 83605
(t): 208-454-7391
(f): 208-454-7474
slaugheed@canyonco.org

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Monday, April 06, 2009 2:34 PM
To: Commissioner
Subject: Change of ownership for Water Right 63-15664, 63-20774, 63-12502

The Department of Water Resources acknowledges receipt of your request for Change of Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. Water Right 63-12502 is still in the permit stage and requires an Assignment of Permit. I have attached the form for your convience. Please fill out, have it notarized and return to our office. The fees already paid will be applied to this request.

Also, Water Right 63-15664 is in the name of Donald and Lucile Harris, however, none of the deeds list a Lucile Harris. They list a Donald B Harris and Rebecca A Harris and a Richard E Harris and Nancy L Harris. We need some clarification on this matter before we can change the ownership on this water right. You can mail all information to:

5/8/2009

IDWR- Western Region
2735 Airport Way
Boise, ID 83705

We have requested a refund for \$100 to be returned to you. Ownership Changes are \$25 per water right unless they are being split. An Assignment of Permit requires a fee of \$25 also. The check you sent was in the amount of \$175. You will be receiving your refund shortly.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice

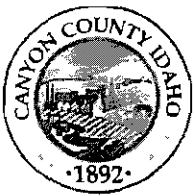
will not be processed.

Please feel free to contact this office if you have any questions

Jean Hersley
Office Specialist II
Idaho Dept. Water Resources
Western Region
334-2190

<<ASSIGNMENT_OF_PERMIT.pdf>>

5/8/2009



CANYON COUNTY COMMISSIONERS

Steve Rule
District I

Kathryn Alder
District II

David J. Ferdinand, II
District III

1115 Albany ❖ Caldwell, Idaho 83605 ❖ Telephone: (208) 454-7507 ❖ Fax: (208) 454-7336

April 1, 2009

David R. Tuthill, Jr., Director
Idaho Department of Water Resources
322 East Front St
PO Box 83720
Boise ID 83720-0098

Re: I.C. 42-248 waiver request

Dear Director Tuthill:

Please accept this request for a waiver of the late filing fee associated with a belated notification of change in ownership of a water right.

In late 2007, Canyon County took title to two adjacent parcels of land at Pond Lane and Highway 20/26. The purpose of this acquisition was the construction of a new jail and/or holding facility. Although Canyon County still intends to build a jail on the property, that construction – through no fault of the County – has been delayed.

There appear to be three domestic wells on the property, each with a permitted diversion rate of .04. Had construction of the new jail proceeded as initially planned, the County would have had no use for such amounts given our pursuit of a permit (63-32981) appropriating 2.23 CFS for municipal use.

Unfortunately, as noted above, construction at this location has been delayed indefinitely. To facilitate other uses of the property pending initiation of such construction, the County may need to make use of the domestic rights associated with the three wells. To that end, we have submitted a Notice of Change in Water Right Ownership to your Department. Because this Notice will have been received by your Department more than one hundred twenty (120) days after the change in ownership, a late filing fee of \$100.00 has been included.

Given the circumstances outlined above, the public purpose for which the land and its groundwater has and will be used, the fact that County funds consist of taxpayer dollars, and the purely administrative effect of this change in ownership, we respectfully request that you waive the late filing fee per I.C. 42-248.

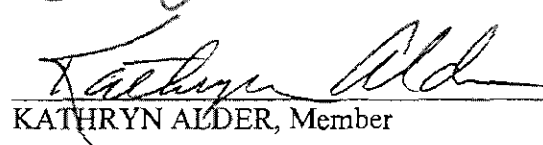
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Thank you for your consideration.

BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO


DAVID J. FERDINAND, II, Chairman


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ATTEST: WILLIAM H. HURST, CLERK

By: 
Deputy Clerk

Date: 4-1-09