

Lester, Steve

From: Lester, Steve
Sent: Wednesday, October 15, 2008 11:25 AM
To: 'Koopman, Mark S LtCol USAF ACC 366 FW/CVO'
Subject: RE: Copy of Transfer of 61-7048 & ownership change form

e possible forfeiture

Mr. Koopman:

You filed an ownership change for your portion of right 61-7048. The ownership change can be processed by definition under department procedures without regard to determining the validity of the water right.

However, the ability to use your portion of the water right in the future to irrigate beyond 1/2 acre associated with a domestic well for a home (that use is exempted from water right approval under Idaho law) is bound up in the pending fate of the four applications for transfer filed by Intermountain Development. Those transfer applications are noted in my Sept. 16 letter to the applicant.

Your best bet is to work with the applicant to help protect the right against forfeiture. This can be done by providing reasonable information confirming irrigation under the right within the time period noted in my letter or by withdrawal of the transfer applications. The latter option means the department will not have to determine anything about validity at this time. That option provides more time for you and other owners to work on the problem.

The dept. should only work with the applicant regarding the transfer applications (with the exception of this email exchange). This means anything you do with respect to the transfer applications should be through the applicant. Alternately, you could get the applicant to assign the pertinent application about your lot to you. This can be done with a notarized letter from the applicant. Then you would be the applicant and I could work directly with you for your application. You would have the same options at that point - show validity of your portion of the right or withdraw the application to buy time to fix things later.

This situation has come up in other locations in your area recently. The best advice I can give is for you to convince the applicant to withdraw all the applications or at least to get the respective application for your lot assigned to you so you can withdraw it and figure out what to do later. Your interests are served by the department not addressing validity of the right until reasonable verification of beneficial use can be provided for the necessary time period, assuming that can be done.

Please note the deadline for Intermountain Development - or any applicant identified by an assignment of application - to respond to my Sept. 16 letter: 60 days. The applications will be rejected without a timely response, creating a dept. record that strongly suggests, without a final determination being made, the water right has been forfeited - exactly what you do not want. This is particularly important in your area since it is closed to getting new irrigation water rights from a ground water source.

Meanwhile, transfer complications do not adversely affect processing ownership changes for portions of the water right. Please let me know if you have any questions.

Steve Lester
Water Rights Supervisor
IDWR Western Region
Tel. 208-334-2190

-----Original Message-----

From: Koopman, Mark S LtCol USAF ACC 366 FW/CVO [mailto:Mark.Koopman@mountainhome.af.mil]
Sent: Tuesday, October 14, 2008 4:20 PM
To: Lester, Steve
Cc: Shurte, Jan
Subject: FW: Copy of Transfer of 61-7048 & ownership change form

cc w/ Sykes & Koopman own. change e 61-7048

Mark S. Koopman, Lt Col, USAF
Chief, AFSO21
DSN 728-4411
COMM (208) 828-4411

Mr. Lester,

I also have transfer of rights against 61-7048 on file with Ms. Shurte. I did not know there was an issue with this right, nor an issue with forfeiture when I purchased this property a year ago. I have not built on the property but am planning to do so and would like to keep, at least, part of right, of the 2 shares, that go with the land (the specifics of which are also with Ms Shurte). Please advise on how I may keep some property irrigation capability other than domestic use. Thanks for your time.

Mark.

-----Original Message-----

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Wednesday, September 24, 2008 12:06 PM
To: Koopman, Mark S LtCol USAF ACC 366 FW/CVO
Subject: RE: Copy of Transfer of 61-7048 & ownership change form

Mr. Koopman,

Attached is a copy of the latest correspondence from the transfer applications for the Pheasant Run Subd. Including your lot. We have not heard back from Mr. Carrie at this point. If you have any questions concerning this transfer, please contact Steve Lester at Steve.Lester@idwr.idaho.gov.

Jan Shurte
Adjudication Supervisor
Western Regional Office
Idaho Dept of Water Resources

-----Original Message-----

From: Koopman, Mark S LtCol USAF ACC 366 FW/CVO [mailto:Mark.Koopman@mountainhome.af.mil]
Sent: Monday, September 22, 2008 3:50 PM
To: Shurte, Jan
Subject: RE: Copy of Transfer of 61-7048 & ownership change form

Ms Shurte,

Any actions yet on this?

Mark S. Koopman, Lt Col, USAF
Chief, AFSO21
DSN 728-4411
COMM (208) 828-4411

-----Original Message-----

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Friday, February 01, 2008 2:57 PM
To: Koopman Mark S LtCol 366 FW/CVO
Subject: Copy of Transfer of 61-7048 & ownership change form

Mark,

Attached is a copy of the transfer to change the point of diversion and place of use under 61-7048 to the property located within Lot 6, Pheasant Run Subd. Also enclosed is a blank Change of Ownership form to be used to change the ownership of your portion into

your name once the transfer is completed. Instructions are also included. Hope this helps.

Jan Shurte

Adjudication Supervisor

Snake River Basin Adjudication

Western Region

(208) 334-2190