



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

July 26, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Thomas K & Cynthia Richards
7999 Merrill Rd
Emmett ID 83617

RE: Change of Ownership 65-04745

Dear Tom:

Per our conversation last week regarding the Beutler property I am writing this letter to explain your options. First and foremost water right 65-04745 does not belong to the property you purchased in the late 1970's. As per the map furnished to you by Craig Saxton, 65-04745 was issued in the Payette Adjudication on land located in T07N R03W Sec. 25, SWNW, not on the property you purchased in Sec. 25, NWSW Government Lot 2. A copy of the Payette Decree, page 238 Findings is enclosed along with the Beutler's Payette claim and investigation. I can find no evidence the NWSW quarter was claimed by the Beutler's in the Payette Decree.

From our conversation you stated the Beutler's owned an older home in the SWNW section until they built a newer home in the NWSW quarters and moved to the property you currently own in about 1978. You purchased the property in the early 80's and told you had the above numbered water right. Your deed is silent as to a specific water right and the owners of the house where the water right is decreed might contest removing the water from their property. Because the water right on your property was not filed in the Payette the earliest priority date you could use on a Snake River Basin Adjudication (SRBA) claim would be October 19, 1977 either for domestic or stock water use. In your case since the home was not built until 1978, the first date the water was used for domestic use would be the priority date if you wish to file a new SRBA claim at this time.

As I explained on the telephone you currently have two options: 1) The water right on your property is for domestic and stock water purposes and is deferrable in the SRBA. This means the water right is valid on your property as long as the land is in single ownership and you do not use more than 13,000 gallons a day for your uses with a chance that in the future a claim may be required by the State. Or, 2) you may want to file a "Motion to file a Late Claim" in the SRBA Court, form is attached, explaining the water right for your legal description was not filed in the Payette Decree in the 1970's. Also, attached is a SRBA Notice of Claim that needs to be completed and a number assigned by this office and submitted with the Motion to the Court along with \$25 filing fees. If you wish to fill out these forms and file a claim, I would be happy to assist you over the telephone (287-4910).

I am also enclosing brochures to explain the water right and SRBA processes on this matter. Karilyn will be returning your papers you submitted on the change of ownership. Once again sorry for any inconvenience this process has caused you, but think we are on the right trail at this point.

Yours truly,

Danni M Smith
SRBA Administrative Asst 1

Cc: KTOWNSEND
JSHURTE
Enclosures

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 238

INDICATES TOTAL

SOURCE: GROUNDWATER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-1621	ANDERSEN, RUDOLPH A. & ANDERSEN, RACHEL A. 1020 EAST LOCUST, EMMETT, IDAHO 83617	4/ 1/1940	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NENW S16 T 6N R 1W	NENW S16 T 6N R 1W	BENEFICIAL USE
65-5467	AYRES, MELROSE ROUTE 2, BOX 160, EMMETT, IDAHO 83617	4/ 1/1940	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SESE S15 T 7N R 3W	SESE S15 T 7N R 3W	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	2.00 AFA .02 CFS *3.20*AFA *.04*CFS		SAME AS OTHER USE	
65-1600	BAPTIST CHURCH C/O HARRY L. GRANGER, 126 SOUTH HAYS, EMMETT, IDAHO 83617 REMARKS: LOT 5, HAYS ADDITION.	4/ 1/1940	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWNE S 7 T 6N R 1W	SWNE S 7 T 6N R 1W	BENEFICIAL USE
65-4745	BEUTLER, GEORGE W. & BEUTLER, VIVIAN ROUTE 2, BOX 145, EMMETT, IDAHO 83617	4/ 1/1940	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWNW S25 T 7N R 3W	SWNW S25 T 7N R 3W	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	1.40 AFA .02 CFS *2.60*AFA *.04*CFS		SAME AS OTHER USE	
65-4356	BRINCKEN, PAULINE ROUTE 1, NEW PLYMOUTH, IDAHO 83655	4/ 1/1940	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SENE S17 T 7N R 4W	SENE S17 T 7N R 4W	BENEFICIAL USE
65-3906	BROOKS, W. E. STAR ROUTE, BOX 145, PAYETTE, IDAHO 83661	4/ 1/1940	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWNW S12 T 8N R 5W	NWNW S12 T 8N R 5W	BENEFICIAL USE
65-4851	BRUMET, H. N. ROUTE 1, BOX 75A, PAYETTE, IDAHO 83661	4/ 1/1940	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NENW S 4 T 8N R 5W	NENW S 4 T 8N R 5W	BENEFICIAL USE
65-0863	BURT, CLARA P. & BURT, ERNEST ROUTE 1, BOX 177, EMMETT, IDAHO 83617	4/ 1/1940	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWNW S 8 T 6N R 1W	NWNW S 8 T 6N R 1W	BENEFICIAL USE
65-6787	CHRISTENSEN, G. F. BOX 432, DONNELLY, IDAHO 83615 REMARKS: LOTS 22, 23 & 24, BLOCK 5, DONNELLY TOWNSITE.	4/ 1/1940	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWSE S10 T16N R 3E	SWSE S10 T16N R 3E	BENEFICIAL USE