

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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AUG 16 2023

DEPARTMENT OF
WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions. DE ✓

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
67-4115-B	Yes ☐	Yes ☐		Yes ☐	Yes ☐
67-11330	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: John E Elsberry
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Monte R. & Dayna M. Eppich
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
P.O. Box 764 Council ID 83612
Mailing address City State Zip
(208) 253 4648 dmeppich7@gmail.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: March 11, 2022
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - ☒ Filing fee (see instructions for further explanation):
 - o \$25 per *undivided* water right.
 - o \$100 per *split* water right.
 - o No fee is required for pending adjudication claims.

SUPPORT DATA

IN FILE # 67-4115B

AUG 24 2023

- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] 8/12/2023
 Signature of new owner/claimant Title, if applicable Date
Monte R Eppich
 Print name

Signature: [Signature] 8-12-2023
 Signature of new owner/claimant Title, if applicable Date
Dayna M. Eppich
 Print name

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Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by DM Processed by DM Date 8-24-23

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF CHANGE OF
OWNERSHIP FOR WATER RIGHT NOS.
67-4115B AND 67-11330

**ORDER DENYING MOTION TO
DESIGNATE APPROVAL IN CHANGE
OF OWNERSHIP AS A FINAL ORDER
AND REQUEST FOR HEARING**

BACKGROUND

On August 16, 2023, Monte and Dayna Eppich (“Eppichs”) filed a *Notice of Change in Water Right Ownership* with the Idaho Department of Water Resources (“Department”) regarding water right nos. 67-4115B and 67-11330.

The Department responded to the Eppichs via letter on August 24, 2023, stating that it “acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.” Letter from Debra Mansfield, Office Specialist II, Idaho Department of Water Resources, to Monte R Eppich & Dayna M Eppich (Aug. 24, 2023) (on file with the Idaho Department of Water Resources).

On September 8, 2023, Jeanette Shankle (“Petitioner”) moved the Department to “designate the approval of the change of ownership as a preliminary, recommended or final order, designate a contested case and grant the Petitioner a hearing on the same.” *Motion to Designate Approval in Change of Ownership as a Final Order and Request for Hearing* 3 [hereinafter *Motion*].¹

Petitioner disputes that the Eppichs are the true and lawful owners of the full water rights. *Id.* at 2. Petitioner believes she is “an owner of property to which at least a portion of the water rights are appurtenant.” *Id.*

On September 14, 2023, the Eppichs filed a *Response to Motion to Designate Change of Ownership and Request for Hearing* (“Response”) with the Department. The Eppichs argue that Petitioner’s *Motion* is meritless, contrary to Idaho Code § 42-248(8), and should be denied. *Response* 1–2.

¹ Petitioner refers to water right nos. 76-4115B and 67-11130 in the *Motion*. Upon review, the Department believes this to be a typographical error. The Department believes Petitioner intended to reference water right nos. 67-4115B and 67-11330.

ANALYSIS AND CONCLUSIONS OF LAW

Idaho Code § 42-248(8) provides:

Any action by the department updating the ownership of a water right in the department's records or returning the notice of change of ownership to the person filing the notice is not a determination of water right ownership, is not an administrative action subject to challenge under the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, and is not subject to a request for hearing pursuant to section 42-1701A, Idaho Code. Water right ownership disputes arising from a notice of change of water right ownership under this section must be resolved either in a water rights adjudication or in an action to quiet title pursuant to section 6-401, Idaho Code.

When the Eppichs filed a *Notice of Change in Water Right Ownership* with supporting documentation, the Department updated the ownership of the rights in the Department's records pursuant to its statutory authority. The Department's action does not determine water right ownership, is not an administrative action subject to challenge, and is not subject to a request for hearing. I.C. § 42-248(8). Therefore, Petitioner is not entitled to a hearing. Any dispute Petitioner has regarding the ownership of the water rights arising from the Eppichs' notice of change in ownership must be resolved either in an adjudication or a quiet title action, not before the Department.

ORDER

IT IS HEREBY ORDERED that Petitioner's *Motion to Designate Approval in Change of Ownership as a Final Order and Request for Hearing* is DENIED.

DATED this 19th day of September 2023.



NICK MILLER
Hearing Officer