

Baily, Jonie

From: Baily, Jonie
Sent: Friday, July 17, 2026 8:35 AM
To: rthurs
Subject: RE: 35-2120 water rights map
Attachments: Idaho Code Ownership Changes.pdf

Thank you for providing this information. I have reviewed the information, and I have let my supervisor look over the information. The ownership change split was based on the map prepared in the SRBA and based on the deeds received. We have reviewed the water right and the additional information provided and can't find any basis to revise the previous split. Consistent with Idaho Code 42-248 if you disagree, you are free to pursue a Quiet Title Action in the district court. I have attached Idaho Code 42-248 for your review. If you have any questions, please feel free to contact me.

From: rthurs <rthurs@protonmail.com>
Sent: Thursday, July 16, 2026 2:51 PM
To: Baily, Jonie <Jonie.Baily@idwr.idaho.gov>
Subject: 35-2120 water rights map

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hello Jonie:

It was good to meet you the other day. I just talked with Christian regarding my questions on the water rights split between my brother's 35-2120 water claim and the Climer request for a water right split. He said that you were waiting for a historical map regarding the actual irrigation of the acreages.

I took the satellite map and asked my brother Pete where it had been irrigated in the past on both sides of the lateral ditch between the two acreages. Based on that as well as my actual irrigating and walking the remaining 30 acres, I have done an approximate outline as to where the irrigated water reached. The mapped area includes the ditches from the well and where the water reached.

On the Climer side I did include a bit of extra overlap at the southern bottom section as I was unsure if the water went there. The rest of that section was not historically watered based on what my brother Pete related and from what I can see as to the slopes of the land in person. The marked section was all historically gravity irrigated.

On the remaining thirty acres I have included all the ditches where water has gone. I didn't include the russian olive trees at the eastern section even though water does go down to that area based on what my brother told me. I withheld that amount just because I haven't personally walked that section after watering it. I am basing that map section on what I have seen by walking it after irrigation and I didn't have a chance to walk that section.

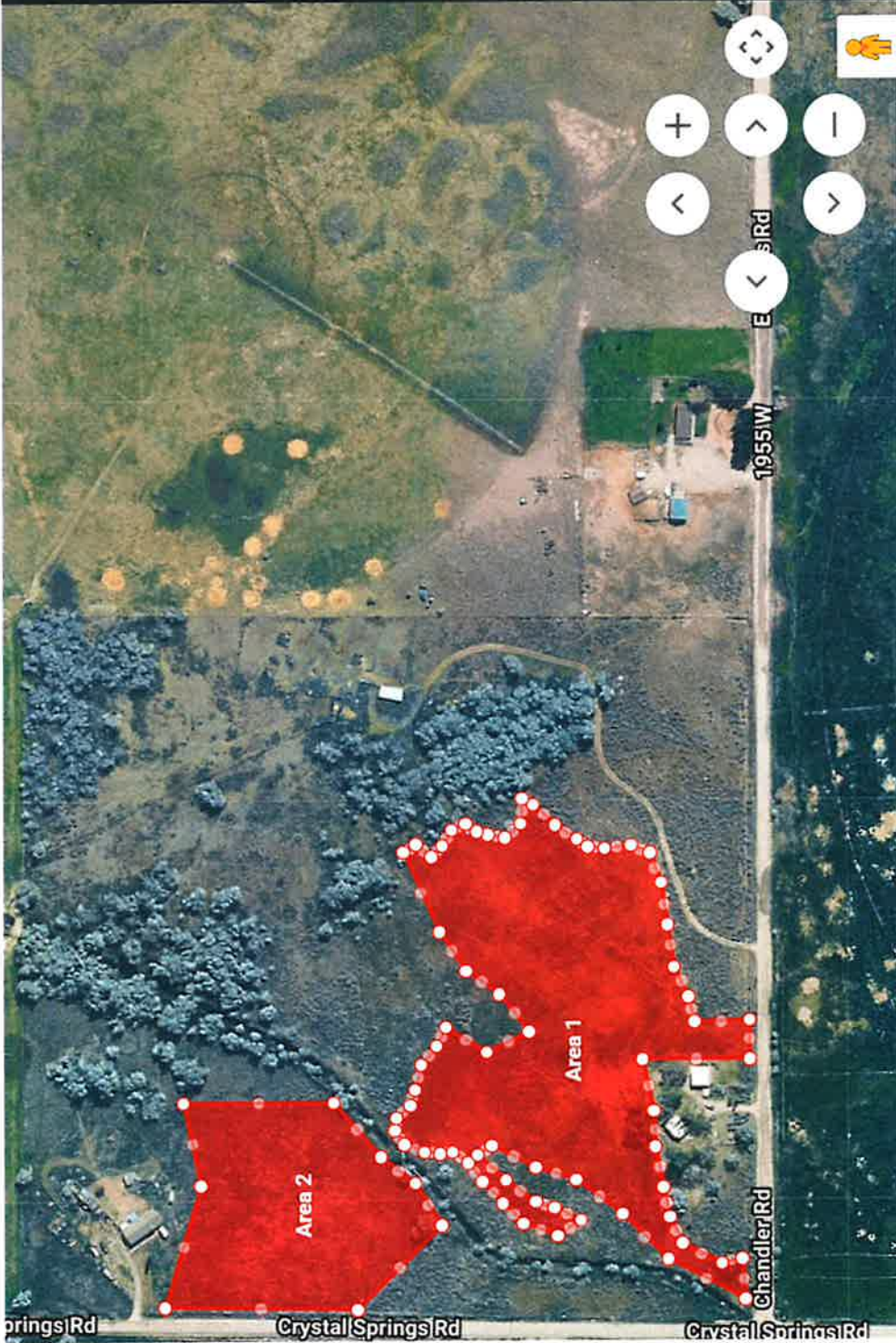
The coverage amounts are listed to the right of the map. It looks like it follows closely the original allowance in the preliminary sales agreement that wasn't memorialized in the final Warranty Deed. That allowed basically a 1/3 and a 2/3 share distribution.

This is pretty much a fair approximation between the two locations in regards to historical ditches and the water reach based on the slopes present on the acreage, my brother's input as to what has historically been watered and also my walking the sections after irrigation to see where the water reached.

Let me know if you need further information regarding this. This is preliminary and a good estimate but I can go walk the section in the russian olive trees (not included in the approximation) if you need a better number.

Thanks,

Roger Thurston
9077 Poplar Drive
Melba, Idaho 83641
rthurs@pm.me
208-850-1630



Add notes about this map — saved and shared along with it.

RECEIVED

JUN 30 2026

DEPT. OF WATER RESOURCES
EASTERN REGION

June 25, 2026

Mr. Christian Stewart
Idaho Dept. of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, Idaho 83402

Dear Christian:

Thank you for taking the time to talk with me regarding water rights regarding the small farm my brother has sold to me. As I mentioned, I believe that based on what my brother has relayed to me as well as the incomplete information presented in the sales records by Kathy Climer that the water right split in 2024 was in error.

In reviewing the information that was presented for a water right split put in by Kathy Climer in 2024, I found that she did not present the full documentation regarding the rights listed in the sales agreement between her and her husband and my brother Pete Thurston. I have attached the missing information in the documents that she failed to present to you.

In the sales agreement, my brother allowed her and her husband use of the water for 10 days each month. The Climers were to pay maintenance and electrical costs for the water going over the lateral to their ten acres. This agreement for the water as listed was only for the Climers for as long as they lived there and was not transferable. It was a personal attribution and not a transferable option. Please reference item 5 on the estate purchase and sales agreement in the other terms and conditions. This discusses the water situation for the property sold to them. Therefore, Kathy Climer could not apply for a "split" in the water right as there was no water right available to any new owners once the Climers moved.

Additionally, my brother Pete Thurston also related that the Climers never paid for any of the water or did any maintenance that was required in the agreement. The Climers violated their agreement regarding the water sharing with my brother Pete Thurston.

In relaying the change of water right ownership the documents from the Water Resource Department appears to show that both the Aberdeen Canal Co., and my brother Pete Thurston were cc'd in regards to Ms. Climer putting in for a water "split". At that time my brother was and is currently suffering from Parkinson's Disease. Also at that time, around the end of October and during November of 2024, my brother was mostly homebound. In talking with other relatives and his current trustee he sometimes had neighbors getting his mail. I don't know at this time if he ever knew or received notice of a water rights transfer. I also believe that he may not have had full mental capacity during this time. I believe this to be the case because I had visited him prior to October 2024 during the late summer, two weeks later I dropped in to see how he was doing and he didn't recognize me. I am his younger brother and he didn't know who I was even though I had just seen him two weeks prior. This is why, when I bought his farm in January of 2026, I had his executor of his estate as well as an attorney at the nursing home to verify that at the time of his signing the sales documents for his farm he was lucid enough to understand what

he was doing. My buying his farm allows him to stay at the nursing home for at least three years going forward.

I believe that if Pete had known about the water rights “split” that he would have objected to it. In talking to him regarding Seth Reece (the current resident of the adjoining property) receiving irrigation water from the acreage, he was adamant that I shouldn’t do it because of the prior agreement that he had made with the Climers. Pete said that the new owners had no rights to the water because of the agreement they had.

The current owner does have their own well on their property that they can use for irrigating their property. A good portion of their property has never been irrigated historically from the well on my property as it was too high in elevation to be serviced from that well and the culvert going over a lateral canal to their property. This is another historical reason showing why the water split done in 2024 was done in error.

Another point is that the 50/50 split as it was done in the 2024 document was in error as to the rules as put forth on the Change in Water Rights Ownership form. If the water rights were actually able to be split, they should have been split according to the acreage coverage and not the water right volume based on the initial mapping done for the original water rights claim. If this rule had been followed, then the Climer’s parcel would have been allocated only a fourth of the water and not half since their parcel was 10 acres out of a previous 40 acre parcel. I base this on the original first map done in the original application for the water right that was hand drawn. The map that was submitted with Climer’s request for the water right is of unknown origin and doesn’t relate to historical data. Where did this map showing water usage come from? There are some notes on the side documents that may have originated in the Department of Water Resources possibly. That map is not listed or shown on any documents held by the Idaho Department of Water Resources prior to the 2024 water right split by Kathy Climer and the original map shows the entire 40 acres as the acreage listed without any internal divisions.

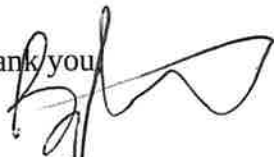
In conclusion, the 2024 water rights “split” should be changed or deleted because of:

- 1) Incomplete documentation of the sales agreement between the Climers and Pete Thurston was used. The full sales documentation shows a personal water allowance only good while the Climers resided on that acreage. Reference item 5 on the sales agreement attached.
- 2) It’s questionable whether or not Pete Thurston received documentation regarding the requested water rights change. Factors include having multiple neighbors getting his mail for him as well as his problems with mental acuity due to him having Parkinson’s Disease at that time and currently. We don’t know if he received notice of the requested change and we don’t know if he was lucid enough at the time to realize what was being requested.
- 3) The map used for the water rights change is of dubious origin and doesn’t relate back to the original map documents used for the original water rights claim. In addition, the map that was used shows areas that have never been watered as being parts that were watered. It looks as if the map was created to support the 50/50 split claim rather than what was historically watered. Maps are attached and are from the IDWR files for 35-14879.
- 4) The Climers Real Estate and Purchase Agreement doesn’t show a transfer of water rights. As an example, I’ve attached my warranty deed and sales agreement between myself and Pete Thurston. If

you look on page 4 you will see that we explicitly addressed the water rights issues. This shows additional proof that Pete Thurston was unaware of the 2024 water rights "split" that Kathy Climer had asked for and also shows that the sales agreement addressed water rights issues regarding the property located at 1942 W. 950 S. Springfield, Idaho 83277. The Climer documents only address that they receive some water while they reside on that acreage (section 5 of the Real Estate Sale and Purchase Agreement). It doesn't explicitly say they receive the water rights for the acreage.

Based on these facts and attached documents, please let us know what form we have to fill out to correct this issue for water rights 35-2120 and 35-14879 and what other information you need or any other considerations we need to know.

Thank you

A handwritten signature in black ink, appearing to be 'R. Thurston', written over the 'Thank you' text.

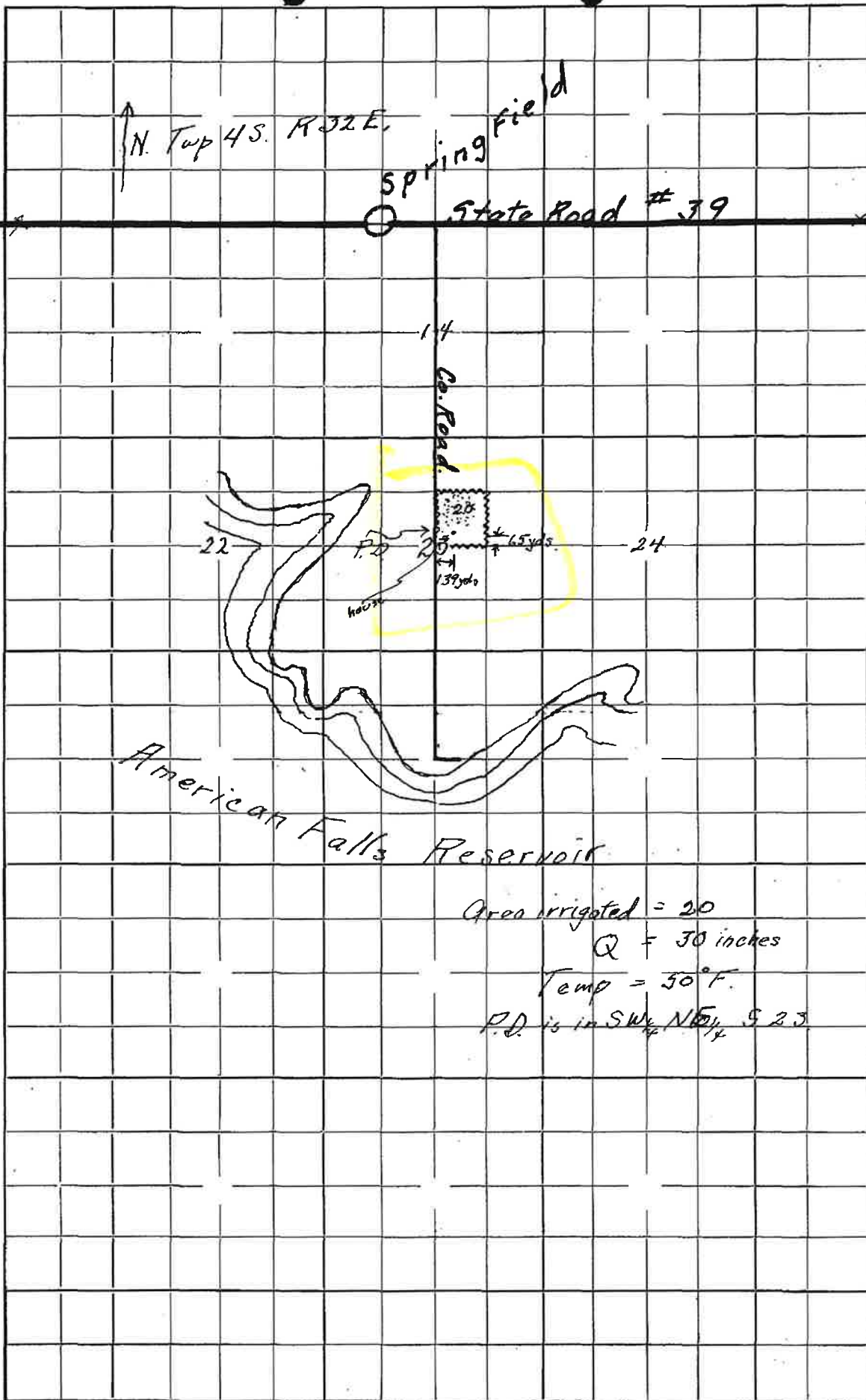
Roger Thurston
9077 Poplar Drive
Melba, Idaho 83641
(208) 850-1630



1992 google earth



1985 google earth



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20798

The map depicts the place of use for the water use listed above and points of diversion of this right as currently owned from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer map so plotted and the paper record document file will be resolved in favor of the actual water right decrements in the water right file.



Where did
these boundaries
originate?

Idaho Department of Water Resources



Legend

-  35-2120 POU Before Split
-  Parcels
-  Township/Range
-  Sections
-  QQ

who created
this map?