



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

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RECEIVED

FEB 03 2006

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 1, 2006

JAMES STRALEY
BOX 562
PINEDALE WY 82941

Re: Application for Transfer of Water Right No. 2-7172F

Dear Mr. Straley:

I discussed your transfer application with the Idaho Department of Water Resources (IDWR) Adjudication staff. A consensus emerged that you most likely could handle this change to your water right under the "accomplished transfer" concept in the adjudication.

The accomplished transfer approach allows a water right to be clarified to reflect changes that were in place prior to commencement of the adjudication in November 1987. In our recent telephone call, you indicated that the change described in your transfer application occurred before 1987. You also indicated that you probably could obtain some type of documentation to support the pre-1987 change.

Your transfer application is therefore returned without processing by IDWR. An application fee was not paid, making a refund not applicable.

Please send supporting information to IDWR to document use of your current pump prior to the end of the 1987 irrigation season. Any reasonable type of information most likely would work: copies of bills, power records, affidavits from third parties and so on. *Please send the information as follows:*

*Attn. Misty Mount
IDWR State Office
PO Box 83720
Boise, ID 83720-0098.*

Please contact Misty at 208-287-4800 if you have any questions about the accomplished transfer procedure.

James Straley
February 1, 2006
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On the other hand, you may re-file the transfer application if you are unable to obtain adequate information to support the pre-1987 change. *In that case, please re-file your transfer application as follows:*

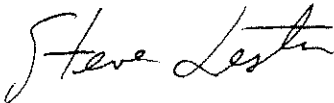
1. *Applicant name - James and Shirley, would require both signatures to be consistent with the current water right record claimed in the adjudication*
2. *Fee – a \$100 fee payable to IDWR would be needed*
3. *Mail to -*

*Attn. Steve Lester
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082.*

Please contact me at 208-334-2190 if you need more information or have any questions about re-filing the transfer application.

IDWR forms and information are also available on the Internet at www.idwr.idaho.gov.
Thank you for your attention to this matter.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

Copy: Misty Mount, IDWR State Office Adjudication Bureau

Lester, Steve

From: Lester, Steve
Sent: Tuesday, January 31, 2006 11:55 AM
To: Shaff, Don
Subject: RE: Recommendations 2-7172C & 2-7172F

Don:

Thanks for that guidance. I will return the transfer application and request he send information to support accomplished transfer in his claim. I will cc Misty so she has something for the aj file.

Steve

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

From: Shaff, Don
Sent: Tuesday, January 31, 2006 11:12 AM
To: Lester, Steve
Cc: Fritschle, Carter; Mount, Misty
Subject: RE: Recommendations 2-7172C & 2-7172F

Steve, sure we can recommend 2-7172F as an accomplished transfer with some evidence the change in POD occurred before 1987. You could speed the communication to Straley by you requesting, when you return the transfer appl, he send documents or explanation of the change to Misty here at the SO. He has the SO address, if you do not supply it, from the Prelim Report package we sent to him November.

Thanks for the help,

Don Shaff
(208)287-4921
don.shaff@idwr.idaho.gov

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

From: Fritschle, Carter
Sent: Tuesday, January 31, 2006 10:34 AM
To: Shaff, Don
Subject: FW: Recommendations 2-7172C & 2-7172F

Don,

I don't want us to duplicate our efforts in Basin 02. This looks familiar to me, but you may have already addressed it. Please let me know if you want me to follow up with Misty and Steve.

Carter

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

From: Lester, Steve
Sent: Tuesday, January 31, 2006 10:20 AM
To: Fritschle, Carter
Subject: Recommendations 2-7172C & 2-7172F

Carter:

I'm sending this to you in hopes that you can coordinate an AJ response on something. Apparently Misty Mount is working these files - and "CClay" was also involved last summer (Chris Clay? no longer with us?).

I don't know Misty nor know anything about her background/experience with water rights etc. so thought it best to send this to you so you can decide how to work with her on the situation.

Newton filed a transfer application for correcting the P/D location for 2-7172C. Pump is at Newton's property instead of using nearby shared pump expected to be associated with Newton. Newton's separate pump has been in place about 10-11 years so post-1987 change. I talked to Newton at length & then discussed with Jeff Peppersack. This is one of those gray areas in which a transfer is not definitely required to change P/D all within same legal - so it is possible, oddly enough, to use a diversion without a separate approval for that diversion. But

Newton wants his transfer processed to make 2-7172C crystal clear. In this case, we can handle transfer as a records-correction without any new activity to occur on the ground. We will process this transfer without legal notice (allowable in this type of situation) and should be able to issue an approval very soon.

Recommendation 2-7172C will therefore be updated to show a stand-alone pump at south end of Newton's P/U. Condition F06 will be deleted since n/a to the reality. The updated recommendation will be ready prior to sending Director's Report to the court.

Straley has a similar situation for 2-7172F, which is also being handled by Misty. Straley filed a records-correction transfer, also. But Straley told me yesterday that this stand-alone pump has been in place since early 1980's, well before SRBA commencement. As you can imagine, the red flag went up in my mind ... accomplished transfer might be the ticket. Straley thought he could find some documentation if necessary to show the separate pump was installed before 1987. Again, this is a change like Newton's that does not definitely require a transfer.

I told Straley I would coordinate with AJ staff and someone would get back to him on that.

It looks promising to handle Straley's pump via the accomplished transfer in the AJ recommendation instead of processing a transfer application. This would also save him the \$100 transfer fee.

How would you like to proceed on 2-7172F? If handling this through AJ process, I would be glad to call Straley and follow up by returning his transfer application with a brief note that Misty will work out the accomplished transfer details with him. Straley told me he usually works all day at a ski resort in Wyoming but can get messages (307-367-4764).

Thanks for looking into this - let me know if it looks good to return his transfer application and if there is anything I can do to help.

Steve