



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 31, 2007

AGENBROAD GRAND VIEW FAMILY LIMITED PARTNERSHIP
27161 DAIRY RD
GRAND VIEW ID 83624

RE: Proposed transfer for SRBA claim 57-2226

Dear Claimant:

You filed SRBA claim 57-2226 as an accomplished transfer. Mr. Agenbroad stated during our phone conversation on May 29 that the place of use (POU) was previously irrigated by ditch and pivots were installed in 1996, moving the POU entirely to Section 5. The accomplished transfer statute only applies to those transfers that took place prior to the commencement of the SRBA, or November 17, 1987. Because the POU was changed in 1996, we cannot recommend 57-2226 as an accomplished transfer and you will have to complete the formal transfer process. I have enclosed an application for transfer form and instructions. If I misunderstood and you irrigated the three parcels in Section 5 with groundwater prior to 1987, I will need a written statement confirming that.

In addition, SRBA claim 57-2226 was filed for 128 acres while license 57-2226 was issued for 59 acres. Installing pivots may have improved efficiency of the system, but it does not allow for irrigation of more acres than originally licensed. Any additional acreage that is being irrigated above the licensed 59 acres must be accounted for by another existing water right, or by filing a permit for a new water right.

According to your SRBA claim, 128 acres is now irrigated under 57-2226. On the transfer application you will need to describe how you use the 59 acres of water right within the 128. That could be by co-mingling with other water rights, irrigating a different 59 acres each season within the 128, or filing for a new permit for the additional acreage beyond the originally licensed 59. The POU in question is in the Bruneau-Grandview Groundwater Management Area and the Trust Water Area and permits for new consumptive uses are not generally approved, but you are welcome to file for a new permit.

I know this can be a complex issue. I have enclosed an application for permit and instructions. If you have further questions on how to file the application, I encourage you to contact the Western Regional Office at (208) 334-2190 to make an appointment with an Allocations agent to discuss your options. Or, you may contact me and explain how you irrigate the 128 acres and I can possibly steer you in the right direction.

I have also enclosed a Water Right Report for license 57-2226, a copy of the original license and a map showing the place of use from the SRBA claim.

Please call me at (208) 287-4907 if you have any questions.

Respectfully submitted,

Monica P. Van Bussum
Sr. Water Resource Agent
Adjudication Bureau

SCANNED
MAY 31 2007