



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 21, 2016

ALLAN F PURCELL
BETTY M PURCELL
98 PURCELL RD
LEADORE, ID 83464

Re: Application for Transfer 81359

Dear Applicant(s):

The Department of Water Resources has received your Application for Transfer. Initial review finds that you propose to add a second source to Right 74-962. Idaho Code § 42-222 does not allow for a change in source or the addition of a different source through a water right transfer.

Although springs may appear to be related because they are in a common drainage, each spring is a separate source. Right 74-962 identifies the source as "Springs" that are tributary to "Sinks" meaning the water that arises from the springs sinks before reaching another water source. The only way a transfer can authorize a change in source is when the two sources are so hydraulically interconnected that they are essentially one and the same. For the sources to be considered the same, there must be a direct and immediate hydraulic connection of at least 50% depletion in the original source when water is diverted from the second source in a 24-hour period. Typically the two sources must be in close proximity for this interconnection to exist. The distance between these two springs makes this level of connection unlikely.

If you choose to pursue your transfer application, please provide evidence the two spring sources are interconnected to the degree described above.

A better alternative may be for you to file an Application for Permit to Appropriate Water allowing you to develop a new water right from the new spring source. I have enclosed a draft application for permit for your consideration. The application for permit fee is less than the transfer application fee and the balance can be refunded. Alternatively you can simply withdraw the transfer application by completing the enclosed withdrawal form and return it to receive a full refund.

If you choose to file the application for permit, please review the application for accuracy, make any changes or corrections you choose (initial all changes), sign the application and return for processing.

Also, if you choose to file the application for permit, please also sign and return the withdrawal form for the application for transfer. This will allow us to apply the transfer application fee to the application for permit and refund the balance of the fee to you.

I will hold the application for transfer for 30 days to allow for your response and submittal of any further supporting information. If I have not received a response or supporting information in that time I will move forward to deny the application for transfer.

Please contact me if you have any questions regarding this matter. I am available by phone at (208)287-4951, email at pam.skaggs@idwr.idaho.gov or by mail at the address shown in the header.

Sincerely,



Pamela S. Skaggs

Water Rights Supervisor

Enclosures