

## Keen, Shelley

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**From:** Keen, Shelley  
**Sent:** Wednesday, January 27, 2016 12:04 PM  
**To:** 'Philip Stanaland'  
**Subject:** RE: Back date water rights?

Philip,

I don't see a 40-acre property in the name of Dunkel (referenced in your other email), but there's one that we show as Dunlap on the south side of the 80 acres with the center pivot in the SW 1/4 of Section 14, which I think is yours. Our land ownership data shows the 80 in the name of S & N of Sarasota LLC. I'll assume the Dunlap parcel is the one you're buying.

I don't see any water rights, new or historical, appurtenant to the 40-acre Dunlap parcel, nor is there any indication in our aerial imagery that it has been irrigated in the past 30 years. It appears to have been dry-farmed, probably for hay and/or grain. In 1963, IDWR issued license 96-2190 for 80 acres corresponding mostly to your land, and partly to the Owen parcel to the east. In 2008 IDWR issued Licenses 96-9402 and 96-9403 for the irrigation of the two parcels comprising your 80 acres. There was some confusion about whether Right 96-2190 continued or was abandoned or forfeited, so the two new licenses appear on the same land as the old one. In 1997 IDWR issued Permit 96-7500 authorizing irrigation of 112 acres corresponding more-or-less to your land and the Dunlap parcel, but in 2008 the field examiner found that only your land was irrigated by the deadline, so IDWR voided the permit.

Based on this analysis, I think your options for irrigating the 40 acres are to file an application for a new water right, file an application to permanently transfer a water right from another parcel, or work through the Water Supply Bank to temporarily change a water right from one parcel to another. As we discussed on the phone, each of these processes will take several weeks, at least, even if there are no protests and no other technical or legal obstacles are encountered.

As always, please call or email if you have additional questions.

Regards,

Shelley Keen  
Idaho Department of Water Resources  
[Shelley.Keen@idwr.idaho.gov](mailto:Shelley.Keen@idwr.idaho.gov)  
208-287-4947

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

**From:** Philip Stanaland [<mailto:philip@wishfarms.com>]  
**Sent:** Tuesday, January 26, 2016 7:48 PM  
**To:** Keen, Shelley  
**Subject:** Back date water rights?

Shelley, I'm buying the 40 ac that borders the 80 I have now. Please see the attached document from the title co, it is the exact same easement to the pump station that I have with the 80. Local people tell me that at one time both properties belonged to the same person and were irrigated as one farm. This being the case and the diversion point being documented back to the 1970's, would it be possible to back date the water rights and speed up the process? Thanks Philip Stanaland