



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 8, 2015

Rick Philps  
H-C63 Box 1631  
25033 N. Highway 93  
Challis, ID 83226

RE: Transfer of water rights 72-2134 and 72-13B

Dear Rick:

On September 28 of this year, I left a message on David's cell phone to call me to discuss the options available regarding the transfer which you filed on February 2 of this year. I have not yet had a response, so I am writing this letter to hopefully make progress toward completing the project that you and David have in mind in regards to your water rights on your ranch near Challis.

In my meeting in Challis with David on February 13, I indicated that the transfer could not be processed as submitted because Idaho Department of Water Resources (IDWR) Transfer Processing Memo 24 states: "... **an application for transfer proposing to change the point of diversion for a surface water right from one distinct surface water source to a totally separate surface water source is not approvable**". In the transfer, it appears that you wanted to change the points of diversion from a spring and Challis Creek to Philps Slough, which would be a completely separate source. To view the entire memo, go to: <http://www.idwr.idaho.gov/files/water-rights/transfer-process-24-transfer-processing-policies-and-procedures.pdf>. As I indicated to David, the option that may be preferable to you could be to file a new Application for Permit for the acres that you want to water with the new pivots. Basin 72 is still open to new appropriations and we could apply the transfer fee that you have already paid towards the new application; you would be refunded any excess fees paid.

David had also inquired about the possibility of preserving the water rights that you wanted to transfer (72-2134 and 72-13B). It is very possible that you could lease them into the Water Supply Bank, which would protect them from forfeiture. For more information on the Water Supply Bank, please go to: <http://www.idwr.idaho.gov/water-supply-bank/overview.html>. There is contact information available on the website so that you can speak to the appropriate people in the State office to discuss that option.

I have enclosed a "Withdrawal of Application for Transfer of Water Rights" form if you wish to withdraw the transfer application. Please let me know at your earliest convenience which route you want to take. If I do not hear from you within 30 days of the date of this letter, I will return the application and initiate the refund of your \$740.00 fee.

If you have any questions or concerns, feel free to give me a call at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bitzenburg". The signature is stylized with a large, looped "J" and a long, horizontal stroke extending to the right.

Jim Bitzenburg  
Water Resource Agent

Enclosure