



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

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C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

May 13, 2014

MATHER CAPITAL CORP ET AL
109 GREENHORN RD
HAILEY ID 83333

Re: Application for Transfer, Water Right No. 51-60

Dear Applicants:

Your application for transfer is returned because it is not acceptable as filed. It is incomplete, inaccurate and lacks the required application fee. Some but not all the application deficiencies are provided below. Due to the water right complexity to change Bruneau River irrigation rights for a wildlife project, you most likely need to seek help from a consultant with sufficient water right experience in this regard. A consultant list is enclosed for your convenience.

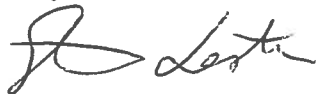
Some Application Deficiencies

- 1) Application Form ~ Page 1 of the form (checklist) is missing. An application printed on the back of already used and marked up paper, while commendable recycling, is not considered a department form. Page 3 is incomplete and inaccurate. Page 5 is not correct. Copies of water rights 51-61 and 51-62 are not included (see next item).
 - 2) Water Rights ~ Your 90 acres are irrigated by rights 51-60, 51-61 and 51-62 in addition to multiple rights held by the Hot Springs Ditch Company. Your three rights need to be part of the transfer. If the irrigated land to be retired has included the use of ditch company water (about 1/3 of your land?), the ditch company must be involved in the project by filing its own separate application for a similar change in use.
 - 3) Beneficial Uses and Period of Use ~ The proposed change in use is incompletely and inaccurately listed on page 3 of the application. For wildlife use, total rate of flow ("diversion to storage") and total acre feet of storage required ("wildlife storage," equals pond capacity plus refill/evaporation losses) should be listed. Increasing a surface water irrigation right period of use is presumed to be an enlargement of use and not approvable. Diversion from the river under these rights must be limited to the irrigation season. Diversion from the river in the non-irrigation season would require a new water right (Application for Permit).
- Application page 3 lacks a place of use description for the remaining irrigated acres, wildlife project land and stockwater use.
- 4) Application Fee ~ transferring your three rights totaling 1.60 cfs requires \$580. Also, changing the nature of use requires an additional \$250. The total fee is \$830 instead of \$450 you paid.

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Please file an acceptable transfer application if you wish to proceed. A full refund will be issued if you do not file an application by July 1, 2014. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Lester".

Steve Lester
Water Rights Supervisor

Enclosure: Original Application for Transfer
 Consultant List