



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 3, 2013

Jim Harvat
6822 Griffin Blvd
Fort Myers, FL 33908

Dear Mr. Harvat;

It was a pleasure speaking with you on the telephone today.

During our conversation you stated that the existing point of diversion located T23N, R22E, Sec. 29, SWNW quarter is wastewater from a ditch fed by the Salmon River, and the correct point of diversion for the Spring Creek water is located at T23N, R22E, Sec. 29 in the SWSW quarter. You also mentioned that you would like to use the wastewater to supplement your existing surface water rights from Spring Creek.

Your existing water right was not decreed with two sources of water. The Department cannot change this through the transfer process. I would suggest that the application for transfer be amended to change the point of diversion of the Spring Creek water and change the ownership. If you would like to appropriate water from a different source, (the wastewater) you have a couple of options.

Since there is a ditch company (Big Flat Ditch Co.), you could attempt to purchase shares. If you were able to purchase shares you would have the ditch company's priority date of 3/30/1904. I would guess that this is where the University obtains their water, since I can find no water rights for them from Spring Creek.

The second option is to file an application for appropriation. This basin is currently still open for new appropriation. The priority date would be the date the Department received the application. These applications are available on the Department's website. The fee is based on the diversion rate that is requested.

I also have additional questions about the ownership of the property. The corrected deed you submitted with the application conveys the property to Ronald J Wehrli Trust UTD, an undivided one-half interest, James Harvat an undivided one-quarter interest and Larry and Cynthia Harvat an undivided one-quarter interest. However, the 2012 tax bill/receipt from Lemhi County states James $\frac{3}{4}$ interest and Larry and Cynthia $\frac{1}{4}$ interest. Is there a deed missing from the paperwork that you submitted?

If you would send me the following information, I can prepare an amended application for you.

1. A statement authorizing the point of diversion on property owned by the University,
2. Clarification of property ownership, documentation please,
3. Contact information for each property owner,
4. Signed authorization from each property owner authorizing the transfer, and
5. The ownership fee of \$25.00

If you have any questions please let me know.

Thank you,

A handwritten signature in black ink, appearing to read 'Kerrie Mathews', with a stylized, flowing script.

Kerrie Mathews
Sr. Water Resource Agent

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Thursday, January 03, 2013 4:56 PM
To: 'harvat@hotmail.com'
Subject: Transfer Application for WR 75-10693
Attachments: Contact Letter.docx

Please see the attached letter, if you have any questions please contact me.

Thank you,

Kerrie A Mathews
Idaho Department of Water Resources
208.525.7161

"By three methods we may learn wisdom: First, by reflection, which is noblest; Second, by imitation, which is easiest; and third by experience, which is the bitterest."
-Confucius