



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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October 11, 2011

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

LIVING WATERS RANCH/FIRSTFRUITS  
CHRISTOPHER JAMES  
PO BOX 1190  
CHALLIS, ID 83226

RE: Response to Explanation of Water Usage for Transfer No. 74253 & Withdrawal  
Acknowledgement of Permit 72-16875

Dear Mr. James:

The Department has recently received your letter that explains the water use at the Living Waters Ranch in Challis and your withdrawal form for Permit No. 72-16875. Thank you for your letter and it was a pleasure to speak with you on the phone the other day regarding this matter. Please consider Permit No. 72-16875 as withdrawn and note that this action classifies the application as null, void, and of no further consideration by the Department.

I hope to fully address the concerns that you outlined in your letter and hope that we can reach a final resolution on Transfer No. 74253 (transfer) very soon.

You commented on the importance of satellite imagery and I couldn't agree more. Available imagery, from 2009, of the ranch is an important tool during our evaluation of the validity of water rights. While imagery is an invaluable tool, I do not see the benefit of paying a field visit to the ranch at this time. In addition, you have outlined the ranch's irrigation activity very well in the map you attached to your letter and I believe that we can reach a conclusion given that map and the 2009 imagery that is available to the Department.

The map that you provided indicates that there are additional irrigated acres that I did not initially account for in my forfeiture evaluation. The difference between the credit for the acres that you are irrigating in SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 2 and the acres that are covered by buildings and roads that definitely have been forfeited equal a net balance of zero. In other words, no acres will be forfeited through the transfer process.

At this time, I must re-work the transfer pursuant to the final forfeiture evaluation discussed in this letter. Expect to see the transfer approval soon. You may contact me if you have any questions regarding this matter at (208) 287-4944.

Sincerely,

A handwritten signature in cursive script that reads "Cherie Palmer".

Cherie Palmer, Sr. Water Resource Agent  
Water Allocation Bureau

cc Norm Young