



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

August 18, 2011

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

Harry P. and Lorraine E. Kaczmarek  
c/o SPF Water Engineering  
Attn: Terry M. Scanlan, P.E, P.G.  
300 E. Mallard Dr. Ste 350  
Boise, ID 83706

### Re: Application for Transfer No. 77042 Rejection Order and Application for Permit Return

Dear Terry:

This letter is in response to your letter of August 4, 2011 regarding Harry and Lorraine Kaczmarek's Transfer No. 77042, Permit No. 63-33470, new permit application, and associated application fees. Per your request, processing of Permit No. 63-33470 has been finalized without amendments to the application. The approved permit with associated notice is enclosed. Also enclosed is the Preliminary Order Rejecting Application for Transfer No. 77042 and the original draft of the new permit application submitted with your letter of August 4, 2011.

The Idaho Department of Water Resources (Department) is unable to grant your request to apply the processing fee of Transfer No. 77042 to processing of the new permit application. While the Department regrets our records searched by or on behalf of the Kaczmareks were incomplete, it appears the underlying issue is the Water Right General Warranty Deed and Assignment executed prior to the Kaczmareks' purchase of the property was not represented to them by the previous property owner. The deed was recorded by the Gem County Assessor's or Recorder's Office and may have been found had additional research been done. Nevertheless, the transfer application was advertised and an order has been issued to reject the application. It is not the policy of the Department to refund or reallocate processing fees for applications that have been advertised and/or acted upon by issuance of an order.

The new permit application cannot be accepted into the records of the Department until the fee is paid. Therefore, the Department is returning the application. You may re-submit the application together with payment of the fee at your convenience. Please contact myself or John Westra at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Angela M. Grimm, P.G.  
Water Resource Agent, Sr.

Cc: Harry P. and Lorraine E. Kaczmarek

Enclosure(s): Approved Permit to Appropriate Water No. 63-33470 with Permit Approval Notice  
Preliminary Order Rejecting Application for Transfer No. 77042  
Application for Permit received August 8, 2011