



**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)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

July 20, 2011

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

**COPY**

**Re: Application for Transfer No. 77042 and Application for Permit No. 63-33470**

Dear Lori:

The Idaho Department of Water Resources (Department) is currently reviewing the above referenced application for transfer to change a water right. After review of the transfer application, some issues were identified regarding ownership and validity of right 63-32446, proposed for transfer. The transfer application will be denied if processed as filed due to these issues.

Department records indicate right 63-32446, is a water right owned by the Ada County Highway District (ACHD). This right was sold to ACHD by Carlos Post per the enclosed Water Right General Warranty Deed and Assignment. ACHD purchased this right with the intent of permanently abandoning it to mitigate for water right permit no. 63-31688. However, the associated Notice of Change of Water Right Ownership and request for abandonment of the right were not processed by the Department in a timely manner, prior to right 63-32446 being decreed in the Snake River Basin Adjudication (SRBA). The records available through our online search give the impression that right 63-32446 is a valid right owned by Carles Monte Post that is appurtenant in part to your client's property. The Department is currently working on licensing ACHD's permit 63-31688, during which process the record of 63-32446 will be corrected to reflect the right as being abandoned. Nonetheless, water right 63-32446 was purchased by ACHD prior to your client's acquisition of the property and is not a valid right available for transfer as your client's transfer application proposes.

However, new ground water rights are available for appropriation in this area as your client's application for permit no. 63-33470 proposes. I recommend an amended application for permit to include water for irrigation of the entire property be submitted. The permit application as originally drafted proposed a total diversion rate of 0.15 cfs, which has an associated fee of \$100.00. An amended application including irrigation of the entire 10 acres and 0.04 cfs for domestic use may propose diversion of a total of 0.24 cfs, the associated fee being \$250.00. Therefore, the balance of \$150.00 must be submitted with the amended application. If the application is amended, but the proposed diversion rate remains under 0.20 cfs the associated fee is only \$100.00, which has been paid.

Kaczmarek  
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Nevertheless, an amendment of application fee of \$50.00 would be required to process an amended application even if the diversion rate remains 0.20 cfs or less. The amendment of application fee must be submitted to allow for re-advertisement of the permit application. Unfortunately, the transfer application fee cannot be refunded or used towards the processing of an amended permit application, because the transfer application has already been advertised.

Also enclosed, is a Withdrawal of Application for Transfer of Water Right(s) form for your client's use. Please complete this form and submit it with an amended application for permit including the applicable fee (\$150.00 for diversion of 0.21 cfs – 1.0 cfs OR \$50.00 for diversion of up to 0.20 cfs) to allow for further processing of your client's application. You may seek additional time to provide the forms and fee by making a written request to delay processing. **Your written response including the requested forms and fee, or a request for more time must be received within the next sixty (60) days. Without a timely reply, IDWR will issue a preliminary order to deny the transfer application and void the permit application. The application fee will not be refunded for a voided application.**

IDWR forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me 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): Water Right General Warranty Deed and Assignment (ACHD ownership document)  
Withdrawal of Application for Transfer of Water Right(s) form