



AUG 08 2011

WATER RESOURCES
WESTERN REGION

August 4, 2011

Angela Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer No. 77042 - Harry and Lorraine Kaczmarek

Dear Angie,

This letter is in response to your letter dated July 20, 2011 that explains the issues regarding water right 63-32446. Based on your correspondence, we now understand that this right was conveyed from Carlos Post to Ada County Highway District (ACHD).

In 2003, ACHD timely filed notice of ownership change and notice to abandon water right 63-32446 as part of a mitigation plan. However, over a period of time exceeding seven (7) years, the department took no action on ACHD's notices. Further, the Department failed to even copy the notice to the appropriate water right file and instead apparently filed the documents with ACHD's new permit application. In the meantime, Carlos Post sold the property to which this right is appurtenant to Kaczmarek. All information available to Kaczmarek through standard search practices of IDWR records did not indicate that the water right had been previously conveyed to ACHD.

The circumstances described are unfortunate and we understand why the Department is unable to process Kaczmarek's transfer application No. 77042, as it is now apparent that the right Kaczmarek understood was theirs is actually owned by ACHD. However, due to the very lengthy delay in processing ACHD's ownership change notice, we also feel that the Department should take some responsibility for this predicament, especially with regards to the application fees the Kaczmareks have incurred.

It is important that significant records regarding water right ownership be timely processed, or at the very least, be made available in the Department's water rights database so that interested parties can be timely informed of these critical water right changes. In the Kaczmarek's situation, water right 63-32466 currently appears in the database to be valid and appurtenant to their property. ACHD's 2003 notices of ownership change and abandonment have yet to be processed. Had the Kaczmareks known of these records, they obviously would not have committed significant resources to have my office prepare and file the transfer application.

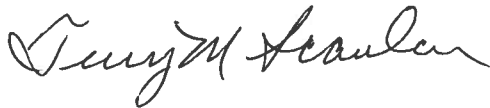
The Kaczmareks have also filed application for permit no. 63-33470, which seeks a new appropriation of 0.11 cfs for irrigation of 10 acres and 0.04 cfs for domestic use. This application was advertised without protest. The Kaczmareks do not intend to amend or adjust this application, and request that the Department continue processing this application.

Enclosed is an application for permit that is submitted in lieu of the transfer application. This application, when combined with the January 24, 2011 application for permit no. 63-33470, will allow full appropriation of ground water on the proposed acres. The Kaczmareks originally paid application fees of \$100 for application 63-33470, \$100 for transfer application No. 77042 and \$125 well upgrade fee.

We recognize that the Department processes thousands of documents each year, and inevitably a few will "slip through the cracks". However, as a matter of fairness, we request the Department apply the \$100 transfer fee (that was previously submitted) to the enclosed application for permit. The applicants should not have to pay additional fees to remedy a situation caused by the Department's long-extended delay in noting key ownership information in the water right file.

Thank you for your attention to this matter.

Sincerely,



Terry M. Scanlan, P.E, P.G.

Cc: John Westra – IDWR Western Region Manager
Harry and Lorraine Kaczmarek - Applicants
Lori Graves - SPF

Enclosures

SPF file number: 899.0010

RECEIVED

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WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. _____

COPY

1. Name of applicant(s) Harry P. and Lorraine E. Kaczmarek Phone 208-369-6119
Name connector (check one): ☒ and ☐ or ☐ and/orMailing address: 7801 W. Sonora Road City CaldwellState ID Zip 83607 Email: lkaczma@gmail.com2. Source of water supply Ground Water which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
6N	3W	36			SW	SE	Canyon	Ground Water	D0052472

4. Water will be used for the following purposes:

Amount 0.09 cfs for Irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 0.09 cfs cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Well, pump, pipe

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ Noc. Proposed well diameter is 6 inches; proposed depth of well is 362 feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? 11/23/2007; drilling firm George Post Well Drilling #563;Well was drilled for (well owner) High Desert Construction; Drilling Permit No. 849961

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	36															10		10

Total number of acres to be irrigated: 10

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Application 63-33470

10. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or place of use? Applicants
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The proposed place of use is also know as Lots 4 and 5, High Vista Estates Subdivision. The proposed (existing) point of diversion is located on Lot 4. This application and application 63-33470, when combined, will allow full appropriation of ground watter on the 10 acres described above.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

HP Kaczmarek 7/27/11
 Signature of Applicant
HARRY T. KACZMAREK
 Print Name (and title, if applicable)

Lorraine E Kaczmarek
 Signature of Applicant
Lorraine E. Kaczmarek
 Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date 8-8-11 Time 1030 Preliminary check by _____
 Fee \$ _____ Received by _____ Receipt No. _____ Date _____

T6N R3W

36

268

UNION

Lot 4

Lot 5

GEM CO

CANYON CO

Legend



Proposed POU



Proposed (Existing) Well

Kaczmarek Application for Permit



0 300 600 Feet



SPF WATER
ENGINEERING