



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 11, 2011

Angela and David Daniel
12197 Deer Flat Rd.
Nampa, ID 83686

COPY

Re: Application for Transfer of Water Right No. 76783

Dear Applicant:

This office received your application for transfer to change water right 63-33230 referenced above. Upon review of the application, the three ground water rights associated with your property (63-3330B, 63-7075B, and 63-33230), and all the background information on file for the water rights involved, it is clear right 63-33230 is not "staked" with rights 63-3330B and 63-7075B. However, based on the transfer application, it appears you are still concerned with the appearance the rights may be "staked". This concern may stem from the current spatial representations recorded for these rights.

If this is in fact your concern and sole reason for filing the transfer application, I'd like to propose an alternative to the transfer filing that will eliminate any cause for concern. Rather than processing the transfer application, you may wish to request the Idaho Department of Water Resources (Department) amend the spatial representation of the current place of use (POU) for your ground water rights. I have enclosed two maps with this letter. The first map "Current Daniel WR Spatial Data" depicts the currently recorded spatial representations (shape files) of the POUs. These shape files do not accurately depict the POU of water rights 63-3330B and 63-7075B. These rights have a POU of 34 acres in the SWNE and 14 acres in the SENE Section 24 T02N R03W. The current shape file depicts 40 acres in the SWNE only. The second map "Proposed/Corrected Daniel WR Spatial Data" is a more accurate representation of the POU for these water rights, which you may wish to request we update the shape files to. It clearly demonstrates right 63-33230 has a different POU than rights 63-3330B and 63-7075B, i.e. these rights are not "staked". Requesting the Department amend the shape files will allow for you to withdraw the transfer application and request a refund of your filing fee (\$100.00). I have enclosed a Withdrawal of Application for Transfer of Water Right(s) form for your use.

As is, I'm afraid the transfer filing will further complicate matters. Changing the POU of right 63-33230 to 4 of the 14 acres already within the POU of rights 63-3330B and 63-7075B will

Daniel
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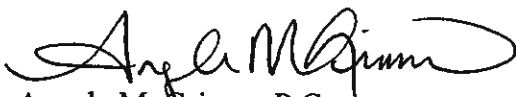
make it less clear that the POU of right 63-33230 is 4 individual acres, i.e. not overlapping any irrigation occurring within the POU under rights 63-3330B and 63-7075B. Also, you stated once the transfer is approved, you plan to continue to irrigate your 4 acres of grapes with your current diversion system except under water rights 63-3330B and/or 63-7075B instead of right 63-33230. Based on the map submitted with the transfer application, it appears your current drip system is only piped from the single point of diversion (POD), a well near your home within the SWNE of Section 24. The only recorded POD for rights 63-3330B and 63-7075B is in the SENW of Section 24, not the SWNE. A transfer application would need to be filed authorizing a change of POD for rights 63-3330B and 63-7075B before diversion under the rights should occur. You would also need to take these two rights out of the water supply bank prior to use.

Furthermore, you indicated on the transfer application that it is not your intent to put right 63-33230 to beneficial use within the proposed POU (SENE of Section 24 T02N R03W), but rather place the right in the water supply bank once the transfer is processed. This is not consistent with the intent of the water right transfer process and related statutes. Therefore, the transfer application as drafted now would not be approvable.

Please submit a written request for the Department to amend the shape files for your ground water rights with a map if you decide this will address your concerns. With this request, please submit the transfer withdrawal form and a request for refund of your transfer filing fee. If you do not believe amending the shape files fully addresses your concerns or intended uses of the rights, please contact me at 208-334-2190 to discuss this matter further. Your response, or a request for more time to make your response, must be received within thirty (30) days from the date of this mailing. The transfer application will be rejected without a timely written reply.

IDWR forms and other information are available on the Internet at 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.

Enclosure(s): Current Daniel WR Spatial Data map
Proposed/Corrected Daniel WR Spatial Data map
Withdrawal of Application for Transfer of Water Right(s) form

Cc: Jan Shurte, IDWR – Western Region

Current Daniel WR Spatial Data



2009 Aerial Photo

Legend

- 63-3330B & 63-7075B POD
- 63-33230 POD
- /// 63-3330B & 63-7075B POU
- === 63-33230 POU
- Township/Range
- Sections
- QQ

Proposed/Corrected Daniel W. Spatial Data



Legend

- 63-3330B & 63-7075B POD
- 63-33230 POD
- /// 63-3330B & 63-7075B POU
- === 63-33230 POU
- Township/Range
- Sections
- QQ