



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

August 10, 2010

GEORGE & TERESA BOCK
2664 SAND HOLLOW RD
CALDWELL ID 83607

Re: Application for Permit No. 63-33367 & Application for Transfer No. 76487

Dear Applicants:

You filed the above referenced applications for a new irrigation well to be used for your existing right 63-32280 and for a proposed new right for additional acres. You asked that the applications be expedited. I tried to expedite them but ran into some complications outlined in this letter. I hope this information provides a clear explanation and offers a reasonable solution to the complications.

Existing Rights 63-32279 and 63-32280

These rights resulted from an ownership change you filed in 2006 to split right 63-32276. That right was a residual portion of the original right for a larger area, right 63-9103 in the name of Hayden. The split resulted in right 63-32280 for you and right 63-32279 for the remaining acres in the name of Hayden.

The Idaho Department of Water Resources (IDWR) made errors in processing your split. The split was based on the warranty deed in which two parcels were conveyed from Cummings to you without withholding any water rights appurtenant to the land. Those two parcels are shown in yellow on the enclosed map and labeled "actual Bock 63-32280 here." Instead of producing the correct result, IDWR recorded 63-32280 in your name but for the adjacent lot to the north owned by Hughes. That lot is shown on the map as "Bock 63-32280 shows here." Based on your deed, right 63-32280 clearly does not cover the Hughes property.

Another result of that split was that the Hayden portion was shown on your property plus on a small lot to the south in Section 13. The Hayden portion is identified as 63-32279 and is shown in yellow on the map. This should represent leftover acres not split off to new owners by ownership changes or by other appropriate actions completed with IDWR. That is why the residual part of the original right remains in the name of Hayden. It does not necessarily mean Hayden owns that portion.

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Currently, right 63-32280 covers 4.5 acres in NWSW. The actual result of the split should cover 4.5 acres of your land in NWSW and 2 acres of your land in SWSW, the majority of the land shown in yellow on the enclosed map. The right prior to the split did not cover any of your acres in SESW, making that land not applicable to the split. Likewise, Hughes should have most of the rest of 63-32279 for 4.5 acres on their property, assuming their warranty deed did not withhold the water right from the sale of the land.

Follow Up Actions

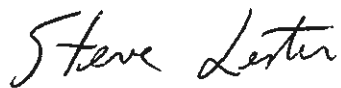
Bock – IDWR should update right 63-32280 to cover 6.5 acres as shown in the enclosed printout of that right. Suggested revisions are added to the printout. Your two applications should be amended based on corrections to 63-32280. The suggested revisions are enclosed as draft amended applications. Right 63-32280 can be corrected while processing your amended transfer application. If everything appears acceptable in the amended applications, you only need to sign and return them. They can be processed without delay at that point. The net result will be the same as your original applications: a total of 12 acres to be irrigated with your new well. No additional fees are needed.

Hughes – Hughes can file a “notice of water right ownership change” with IDWR to split 63-32279 as required under Section 42-248, *Idaho Code*. Alternately, they can file an “application for transfer” to allow them to use their own well to irrigate their land, if desired, and to accomplish the split. Hughes should contact me for details in that regard, particularly regarding reduced fees to complete their water right actions.

I hope this has not inconvenienced you or the Hughes.

More IDWR information is 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,



Steve Lester
Water Rights Supervisor

Enclosure

Cc: Timothy and Michell Hughes