



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

October 13, 2009

Dale and/or Jackie Van Es
c/o SPF Water Engineering, LLC
Attn: Lori Graves
300 E Mallard Dr. Ste 350
Boise, ID 83706

COPY

Re: Application for Transfer No. 74776

Dear Lori:

This office received an amended application for transfer to change a water right referenced above as a result of my 7/14/09 letter requesting additional information. There remain issues regarding the proposed transfer application that I would like clarification on to complete the processing review. Please submit additional documentation and information necessary to address the following items:

- The proposed permissible place of use (PP/U) includes land currently irrigated with Gem Irrigation District water. The application indicates 55 shares of Gem Irrigation District water are used for irrigation of acreage north of South Canal. The current boundary of Gem Irrigation District service area includes land in the SE Sec 17, T2N, R4W, but no other portion of the proposed PP/U. Unless Gem Irrigation District amends its current service area, water diverted under Gem Irrigation District water rights can not be applied to other lands within the proposed PP/U that are outside the current service area, nor can it be mixed with other surface or ground water to be applied outside of the current service area. I would recommend the applicant amend the transfer application to remove the land within the Gem Irrigation District Service Area from the proposed PP/U to avoid issues in application of water via the proposed integrated irrigation system and potential right overlap issues. Otherwise, please submit information indicating how the applicant intends to develop the proposed integrated system without mixing water diverted under Gem Irrigation District rights with water diverted under the applicant's rights.
- The applicant provided ownership documentation with the amended application received 9/17/09. Department review indicates land within the NW SW Sec 16, the SW SW Sec 16, and the NE NE Sec 20 of T2N, R4W proposed as a portion of the

Van Es
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PP/U is not included in the ownership documentation submitted. The property to which I am referring is referenced as parcels 3 and 5 of Sec 16 and parcel 7 of Sec 20 on the enclosed diagram submitted by the applicant. Please provide additional documentation or further explanation of the deeds submitted demonstrating the applicant owns the PP/U property, has a possessory interest in the property, or has an agreement with the current land owner to own and administer water rights on the property.

Please submit additional information addressing the above issues to allow for further processing of this application. Your response, or a request for more time to make your response, must be received within 30 days from the date of this mailing. The 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,

A handwritten signature in black ink, appearing to read "Angela M. Grimm", with a long, sweeping horizontal stroke at the end.

Angela M. Grimm
Water Resource Agent, Sr.

Enclosure(s): Record of Survey for Les and Lavada Loucks parcel diagram

131.13 ACRES OPTION

#

RECORD OF SURVEY FOR LES AND LAVADA LOUCH

PARCELS OF LAND LYING IN THE W1/2 SW1/4 OF
THE SE1/4 OF SECTION 17, AND THE NE1/4 A
SECTION 20, T.2N., R.4W., BOISE MERIDIAN,
OWYHEE COUNTY, IDAHO
2001

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, COLLEEN MARKS, BEING A REGISTERED
SURVEYOR IN THE STATE OF IDAHO, HEREBY ATTEST THAT THIS IS
AN ACCURATE REPRESENTATION OF THE SURVEY AS MADE BY ME AND IS IN
CONFORMITY WITH THE CORNER PREDETERMINATION AND PLUMB ACT - R.I.
CODE SS-1801 THROUGH SS-1813



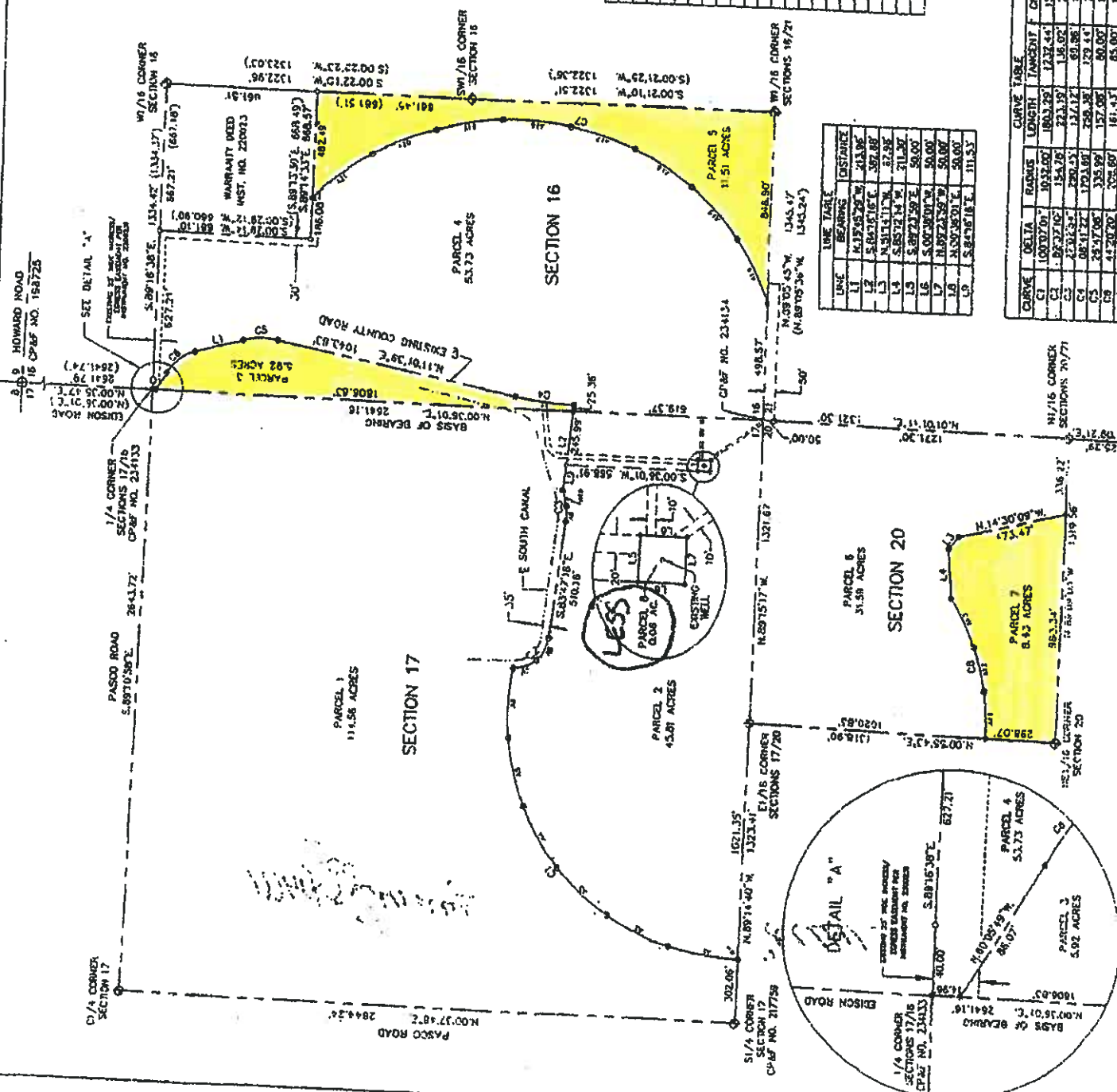
Colleen Marks
COLLEEN MARKS, L.S. 7045



LEGEND

- PROPERTY BOUNDARY
- EASEMENT LIMITS
- FOUND BRASS CAP MONUMENT
- WITNESS CORNER-FOUND 5/8" IRON
- SET 5/8" IRON PIN
- SET 1/2" IRON PIN
- FOUND 1/2" IRON PIN
- CALC. POINT
- () DATA OF RECORD

INDEX No. 2-4-15-17-20-200-00
MARKS LAND SURVEYIN
CIVILITEN MARKS 1 1 1



ARC	LENGTH	TABLE
A1	300.00	
A2	300.00	
A3	300.00	
A4	300.00	
A5	300.00	
A6	300.00	
A7	300.00	
A8	300.00	
A9	300.00	
A10	300.00	
A11	300.00	
A12	300.00	
A13	300.00	
A14	300.00	
A15	300.00	
A16	300.00	
A17	300.00	
A18	300.00	
A19	300.00	
A20	300.00	
A21	300.00	

LINE	BEARING	DISTANCE
L1	N. 89° 15' 45" W.	1343.17
L2	S. 89° 15' 45" E.	1343.17
L3	N. 89° 15' 45" W.	1343.17
L4	S. 89° 15' 45" E.	1343.17
L5	N. 89° 15' 45" W.	1343.17
L6	S. 89° 15' 45" E.	1343.17
L7	N. 89° 15' 45" W.	1343.17
L8	S. 89° 15' 45" E.	1343.17
L9	N. 89° 15' 45" W.	1343.17
L10	S. 89° 15' 45" E.	1343.17

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	100° 00' 00"	1032.00	1803.20	1732.44	1583.47	N. 50° 11' 36" E.
C2	100° 00' 00"	1032.00	1803.20	1732.44	1583.47	N. 50° 11' 36" E.
C3	100° 00' 00"	1032.00	1803.20	1732.44	1583.47	N. 50° 11' 36" E.
C4	100° 00' 00"	1032.00	1803.20	1732.44	1583.47	N. 50° 11' 36" E.
C5	100° 00' 00"	1032.00	1803.20	1732.44	1583.47	N. 50° 11' 36" E.
C6	100° 00' 00"	1032.00	1803.20	1732.44	1583.47	N. 50° 11' 36" E.
C7	100° 00' 00"	1032.00	1803.20	1732.44	1583.47	N. 50° 11' 36" E.
C8	100° 00' 00"	1032.00	1803.20	1732.44	1583.47	N. 50° 11' 36" E.
C9	100° 00' 00"	1032.00	1803.20	1732.44	1583.47	N. 50° 11' 36" E.
C10	100° 00' 00"	1032.00	1803.20	1732.44	1583.47	N. 50° 11' 36" E.