



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 2, 2009

John Kiser
PO Box 64
Hagerman, ID 83332

RE: App For Transfer 75420

Dear Mr. Kiser;

Some issues have come up while processing your application that need to be resolved. The red line on the enclosed aerial photo surrounds the recorded place of use for the Gossi water right, while the black line shows the county taxlot boundaries. The area marked Out is the land that Mr. Gossi has agreed to dry up, but you will notice that the county says that Jim D Scarrow of Wendell owns this ground. So it appears that Mr. Gossi has no authority to sell water from this land, which would make your application unapprovable.

Although not directly related to what you are proposing to transfer, the red area marked with an X at the south end of place of use for Right 36-76A is also shown as not being owned by Mr. Gossi. Did he sell this ground with or without a water right? It is obviously not irrigated, at least in this photo. If there is a glitch in our records, this seems like a good opportunity to clean it up.

Finally, we have a rule that prevents us from approving a transfer of less than one acre of land unless the nature of use is being changed or unless the applicant can provide a verification procedure acceptable to IDWR that can be practically administered to prevent injury to other water users or enlargement of the existing usage. You will need to provide some sort of verifiable procedure to show that the land proposed to be dried up will actually BE dried up. Since the land is highly erodible, I presume that it will not be put to some other use that would prevent irrigation, such as being converted to corrals. This question is moot unless the issues outline in Paragraph 1 can be resolved.

Please respond by July 2 so that processing of your application can continue. If you need more time, it can be granted for sufficient cause.

Regards,

James E. Stanton
Sr. Water Resource Agent



Gossi

Out

X