



State of Idaho

DEPARTMENT OF WATER RESOURCES

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January 29, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

DARREL AGENBROAD
27161 DAIRY RD
GRAND VIEW ID 83624

RE: Transfer applications 73748, 73749

Dear Mr. Agenbroad,

In December of 2005 two transfer applications were filed to rearrange water rights 2-7279A and 57-2239 to reflect actual usage. The Department held these two applications pending Snake River Basin Adjudication review. Processing of these applications has recently resumed.

Review has shown that additional information is needed to continue processing both applications. Listed below are several items that need further clarification:

- Transfer application 73748 proposes to move 80 acres of Right No. 2-7279A to the N1/2 of the southeast quarter of Section 5 T06S R03E. As recommended in the SRBA Right No. 2-7279A is for 3.82 cfs on 191 acres. Is it your intent to split this right? Part 2B of your submitted transfer application will need to be amended if you choose to split the right.
- The map on part 3 of Transfer application 73749 appears to propose moving Right No. 57-2239 to the NWNE, SENE, and NWSW of Section 5 T06S R03E. However part 1 lists the NENW, NWSW, and NWSE of same section/township/range. After looking at aerial imagery the map description appears to be the intent of the transfer application. A revised part 1 with the changes made and initialed would be sufficient to amend the application.
- Records show that Rights 57-2239 and 57-2226 share the same point of diversion in the NWSW of Section 5. The SRBA file indicated that 57-2226 had been claimed in the same place of use as where Transfer 73749 is proposing to move 57-2239. However 57-2226 was ultimately decreed in its original licensed place of use. If you currently use 57-2226 where you had claimed it, or intend to, that right could be added into 73749 if it is used in the same delivery system as 57-2239.

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I have included a blank transfer application. It may be easiest to fill in a new application for 73748 versus trying to write over the original application if you so choose. After re-submittal your original(s) will be considered superseded. I have also included both original applications and an aerial map of how the rights are currently recorded for reference.

If you have any questions please don't hesitate to call. If you would like sit down and discuss your applications I would be happy to schedule a time to do so.

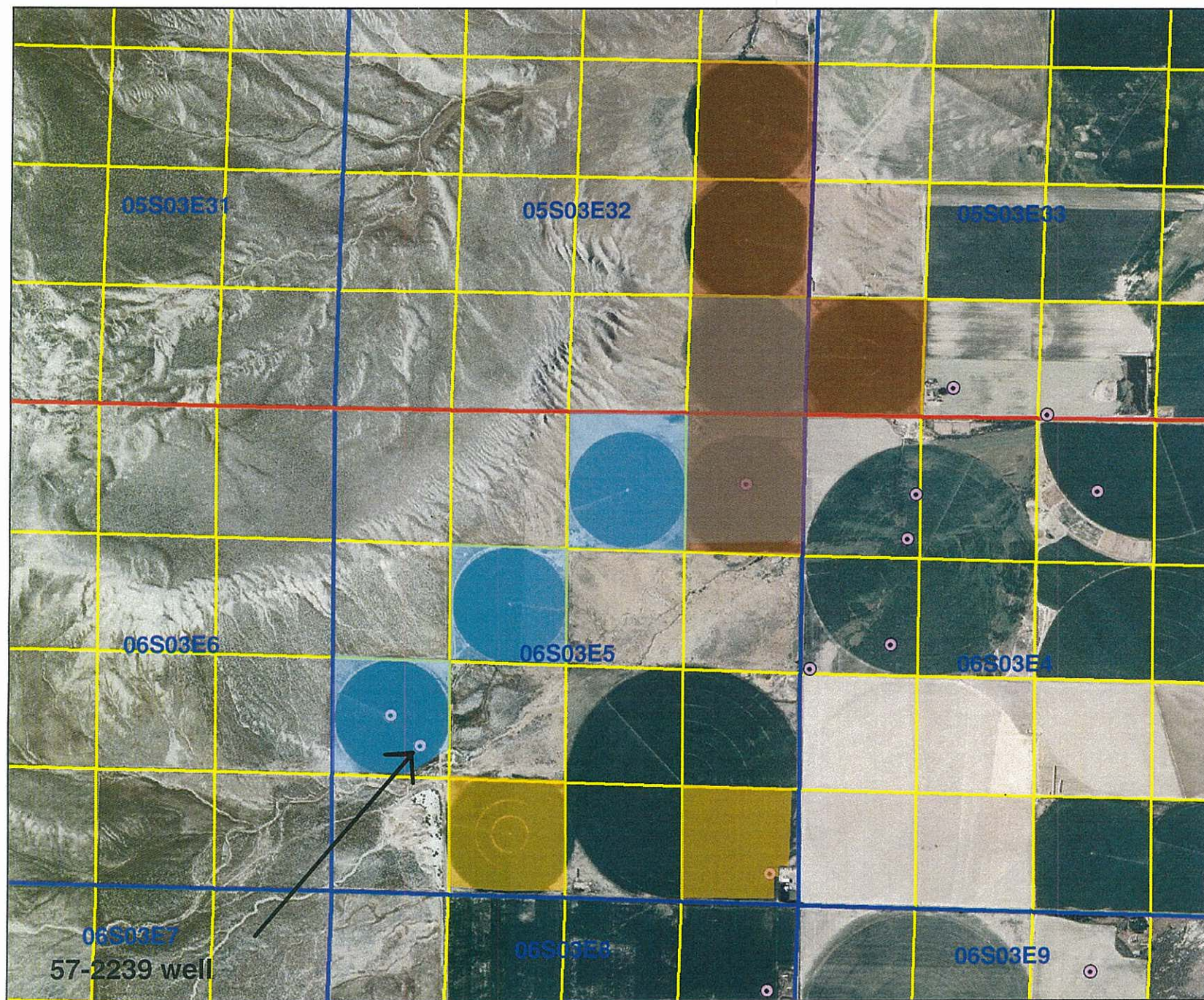
Sincerely,



Nick Van Dyke
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State Office, Boise
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Enclosure(s)

Agenbroad Transfers 73748, 73749



Legend

- 2_7279A
- 57_2239
- 57_2226
- Right POD
- Township/Range
- Sections
- QQ



2006 Imagery

0 0.25 0.5 1 Miles