



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

DAVID R. TUTHILL, JR.
Director

March 5, 2009

Bill & Shirleane Abbott
C/O Barker Rosholt & Simpson LLP
Attn: Albert P. Barker
PO Box 2139
Boise, ID 83701-2139

COPY

Re: Application for Transfer No. 74416

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right. Additional information is needed to evaluate and process your application.

I.C. § 42-222 states a change to a water right is approvable in whole or in part provided the change does not constitute an enlargement in use of the original right. The transfer application and your letter of October 17, 2007 indicate the applicant would be willing to install flow measurement device(s) on the diversion works to ensure the diversion rate authorized under the right does not increase as a result of the new use. This may address the enlargement issue for the diversion rate, but not for the diversion volume.

Please provide the following information:

- Quantify the diversion volume necessary for the proposed new use. Demonstrate and equal reduction in use under the existing right to prevent enlargement (rate and volume). Alternately, demonstrate increased efficiency in the current system to allow for the additional use without a corresponding decrease in the current volume of water beneficially used.
- An amended application addressing the following:
 - Description of water right(s) or portion thereof after the requested change (Part 1 B No. 1). Please indicate the portion of the total diversion volume to be transferred to the new place of use.
 - Place of use description (Part 1 B No. 5). Please indicate the Public Land Survey (PLS) description of the quarter quarter section(s) where the proposed heating use will occur.
 - Place of use description (Part 2 B No. 3). Please indicate the PLS description of the quarter quarter section(s) being transferred from the existing right. In other words, list the place of use where current use is being reduced to allow for the proposed use, if such is the case.
 - Map (Part 3 A). Please include a map with the proposed place of use and the PLS description clearly indicated.
 - Please attach documentation demonstrating the applicant owns the proposed place of use.

Abbott
March 5, 2009
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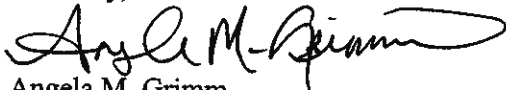
The Agreement to Purchase Water Right submitted with the transfer application is not sufficient documentation to change ownership of the portion of the right proposed for transfer. The transfer application can be processed with or without a change in water right ownership. In the later case, a transfer approval could be issued in the current right owner's name instead of the applicant name. The applicant could file a Change of Water Right Ownership after transfer approval to complete the ownership process.

Please submit the requested information and an amended application for processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

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
Water Resource Agent, Sr.