



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
DAVID R. TUTHILL, JR., Director

May 9, 2008

NORMAN A BATT &/OR ELLEN A BATT &/OR
FREDERICK C BATT &/OR ELLEN B BATT
1621 IDAHO AVE
CALDWELL ID 83605

A handwritten signature in black ink, appearing to be 'COPY' or a similar word, written diagonally across the page.

Re: Application for Transfer of Rt. 63-4428

Dear Applicants:

In preliminary review of the above referenced application for transfer several questions came up in regard to this proposal. Please read this letter and respond to the questions identified within the next 60 days so we can proceed with the processing of the application. If you do not respond within this 60 day period the application will be rejected. If you need additional time to respond, please submit a written request to the Department within this sixty day period so we can act upon your request.

This application states that you wish to "move" a portion of a supplemental water right to another place of use because you have sold the property in the E1/2SE1/4, Sec. 9 and NW1/4NW1/4, Sec. 23, Twp. 4N, Rge. 5W, to another party, without water rights. We need documentation that this property was sold without water rights such as a copy of a deed showing that the transaction actually took place. If the deed changing ownership of the property is silent in regard to the water rights, then we need some other legal documentation of this transaction. We also noted that the above property is supplemented by another well under Rt. 63-11700. If the property was sold without water rights, what is to become of the supplemental use under Rt. 63-11700 which also covers the land located in the E1/2SE1/4, Sec. 9? If you intend to transfer one of the supplemental rights you should probably transfer both rights so that there is no enlargement of acres under these overlapping supplemental water rights.

We also need to have a copy of a deed showing your ownership of the lands that you wish to move this supplemental water to. Please provide a deed showing ownership of land located in the W1/2NE1/4, Sec. 32, Twp. 4N, Rge. 4W and S1/2SE1/4, Sec. 16, Twp. 4N, Rge. 5W which is required in order to process the transfer. It is also noted that you wish to "move" a 97 acre right to only 86.8 acres. What is your intention regarding the remainder of the 97 acre right? If you are silent regarding the remaining 10.2 acres the Department will likely "move" the right to the 86.8 acre place of use proportionately and the 10.2 acres

portion of the right(s) eventually will be considered abandoned or forfeited. Is the 86.8 acre place of use also covered under an irrigation district water right? If so, which irrigation district and do you intend to use the same conveyance system that is currently in place (i.e. conveyance through Golden Gate Canal in exchange for irrigation district water)? Have you any documentation that the irrigation district would agree to this proposal?

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau