

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER # 74395 IN THE)
NAME OF PATRICK S FARRELL)
_____)**

**PRELIMINARY ORDER
REJECTING APPLICATION**

FINDINGS OF FACT

1. On June 12, 2007, Patrick S Farrell filed an application for transfer with the Idaho Department of Water Resources (IDWR).
2. On August 5, 2008, IDWR sent Patrick Farrell a letter requesting additional information. A thirty (30) day deadline from the date of the letter was set. On August 8, 2008 the request letter was returned to IDWR as undeliverable, indicating Mr. Farrell was "temporarily away".
3. On November 5, 2008, IDWR sent Mr. Farrell another letter via facsimile, requesting the necessary information. A thirty (30) day deadline from the date of the letter was set. IDWR also attempted to reach Mr. Farrell by phone, as was unsuccessful.

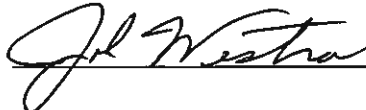
CONCLUSIONS OF LAW

1. Idaho Code (IC)§ 42-204 and the Rules and Regulations of IDWR state that if an applicant does not submit the requested information to IDWR within the allotted time frame, IDWR may reject the application.
2. Patrick S Farrell failed or refused to provide the requested information to IDWR. The application should be rejected.

ORDER

***IT IS HEREBY ORDERED that Application for Transfer #74395 in the name of
Patrick S Farrell be REJECTED.***

Dated this 8th day of December, 2008



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December 2008, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

A handwritten signature in black ink, reading "Denise Buffington", is written over a horizontal line.

Denise Buffington
Administrative Assistant

PATRICK S FARRELL
3167 FROZEN DOG RD
EMMETT ID 83617

STATE OF IDAHO

Transfer No. 74395

PART 1

Post Office address 3167 Frozen Dog Rd, Emmett, ID 83617

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other *New Owner*

2. Describe the reason for the proposed changes New Owner of Parcel "D"
(see attached map) - T22N R01E S.W. 1/4 NE 1/4
old right # 78-12228
Pump water from Little Salmon River for Irrigation

1. Right Number	Partion of	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
78-12228		01/01/1946	0.009 CFS	Irrigation	03/15 to 11/15
					to
					to
					to

2. Total amount of water being transferred . 009 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Little Salmon River tributary to Salmon River

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

JUN 12 2007

**WATER RESOURCES
WESTERN REGION**

REJECTED

Total Acres . 25

PART 1

6. General Information:

a. Description of diversion system Sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NONE

d. Remarks:
were splitting Original property
to two irrigation Systems 1/4 acre Lots

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

- SEE ATTACHED

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. Decreed to
in case of vs.
dated in county of
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other 3. Source of water tributary to 4. Date or priority

5. Water is used for the following purposes:

amount for purposes from to
(cfs/ac-ft)

amount for purposes from to
(cfs/ac-ft)

amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres 9. Describe any other water rights used for the same purpose as described above

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe **B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .009 CFS for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SW	SW	NE	9	22	1E	Idaho	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	9			.25														.25

Total Acres .25**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount .009 CFS for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SW	SW	NE	9	22	1E	Idaho	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	9			.25														.25

Total Acres .25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

The grid is a 10x10 square grid. The horizontal lines are solid, and the vertical lines are dashed. The text "SEE ATTACHED" is written in the center of the grid, spanning approximately the middle four columns and two rows.

Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
N/A to
 to

2. Quantity and quality of return flows and location of discharge:
N/A

3. Describe effects on other water uses resulting from the proposed change:
N/A

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

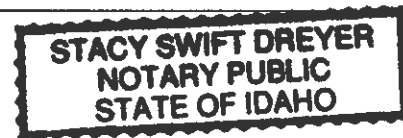
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Patrick S. Farrell
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of June, 2007.

Stacy Swift Dreyer
(Notary Public)

My commission expires 3/7/2011

**FOR DEPARTMENT USE ONLY**

Transfer contains pages and attachments

Received by DB Date 6/12/07 Protest filed by

Prelim. Check by VMM Fee \$100-

Receipted by DB / W035852 Date 9-25-07

Published in ^{DB} Copies of protest forwarded by

Pub. Dates Hearing held by Date

Watermaster recommendations requested on Recommended for ☐ approval ☐ denial

 received by

Copy of transfer sent to lien holder

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

06/07/2007

WATER RIGHT NO. 78-12228

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CATHERINE A. DELORENZO HC 75 BOX 3767 NEW MEADOWS, ID 83654 (208)628-3333
Original Owner	GERALD C KILIAN
Original Owner	JOANN KILIAN
Original Owner	JO ANN ROCHELEAU HC 75 BOX 3760 NEW MEADOWS, ID 83654 (208)628-3764

Priority Date: 01/01/1946

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE SALMON RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.015 CFS	
Total Diversion			0.015 CFS	

Location of Point(s) of Diversion:

--	--	--	--	--	--

LITTLE SALMON RIVER	SWSWNE	Sec. 09	Township 22N	Range 01E	IDAHO County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION IDAHO County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
22N	01E	9		SWNE	0.5									

Total Acres: 0.5

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
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Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

64.090'

S45°24'48"W
3170.361'

LITTLE SALMON RIVER

N87°51'30"E
125.000'

PARCEL D
0.26605 Acres
Farrell

N85°44'47"E
133.426'

PARCEL C
0.28277 Acres
Delorents

N83°53'14"E
142.012'

PARCEL B
0.40305 Acres
wheeler

PARCEL A
0.39780 Acres

S79°25'14"W
135.000'

New Water Right
for
Irrigation
for
Patrick
Farrell

174 +
Pencils
C & D
M.H. on C

Well
only
for Drinking
Water
Household
Water

marked
here

W/ Survey in ground

Point of
Diversion
for Parcel
C

Old River
Point of
Diversion
Parcel
B

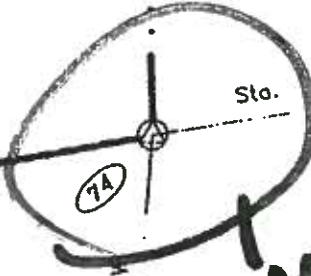
Point of
Diversion
Parcel
A

RNER.
ATION POINT.
(ON BRIDGE.
R WITH SURV.CAP.
OT FND., SET B.C. IN CONCRETE.
OT FND.
Y 95 R.O.W. MONUMENT.

COORDINATES

POINT	NORTHING	EASTING
15	2933.06500	8128.11200
16	2933.77100	8128.52000

Survey



Sta. 5

Lot "D"

SCHEDULE C

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 9: A parcel of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, between the
Westerly right-of-way line of U.S. Highway 95, FAP F-
4113 (12), 1964, and then Easterly meander line of the
Little Salmon River, more particularly described from a
Survey recorded August 1, 1994, as Instrument No.
375607 as follows:

Commencing at the Northeast corner of said Section 9;
thence N 89°32'22" W, 2664.090 feet to the North $\frac{1}{4}$
corner;
thence S 10°14'41" E, 2283.369 feet to a re-established
right-of-way monument at Sta. 563+50, 112 feet LT of
Center line;
thence N 02°08'30" W, 315.343 feet along said right-of-
way to the True Point of Beginning;
thence N 02°08'30" W, 87.344 feet along said right-of-
way;
thence S 87°51'30" W, 125.000 feet to a point on the
mean high water line of the Little Salmon River;
thence S 03°01'16" W, 92.637 feet along said high water
line;
thence N 85°44'47" E, 133.426 feet to the True Point of
Beginning.
Sometimes known as Assessor's Tax No. 116.

PAGE
"D"



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

December 8, 2008

PATRICK S FARRELL
3167 FROZEN DOG RD
EMMETT ID 83617

RE: Preliminary Order in the matter of Application for Transfer No. 74395

Dear Applicant:

The accompanying order is a "**preliminary order**" issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed yellow information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Westra', is written over a horizontal line.

John Westra
Manager, Western Regional Office

Enclosures

JW:db

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

INTEROFFICE MEMORANDUM

TO: APPLICATION FOR TRANSFER # 74395 FILE [SPLIT FOR WR # 65-12228]
 FROM: VICKY MUSIC
 SUBJECT: STATUS OF TRANSFER APPLICATION
 DATE: 9/2/2008
 CC: NA

On August 5, 2008, I sent a letter to the applicant requesting more information to process the transfer application. The mail was returned with a "return to sender" sticker from the USPS. The sticker said "temporarily away." I did a people search in Yahoo and information was returned for the applicant and the address and phone # of record.

Today, I called the phone # of record. It sounded like a fax line.

ArcMap taxlot information has not been updated since 2005, so I was not able to use ArcMap to see if perhaps there was a new owner.

I will hold the file and mail the request for information letter again in 3 months.

11/5/08 phone call to applicant - no answering machine - goes to fax?
 sent fax

11/14/08 applicant calls in on Jan's office day. says he will be
 home Mon & Tues.

11/17/08 phone call - to fax
 " " " "

11/18

11/18 - talked to GL. Order to reject

FOR VICKY Urgent ☐
 DATE 11-14-08 TIME 1:30 A.M. P.M.

While You Were Out
 M PATRICK FARRELL

OF ?

PHONE 365-4863
AREA CODE NUMBER EXTENSION

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
RETURNED YOUR CALL		WANTS TO SEE YOU	

MESSAGE He called concerning your letter for Xfer # 74395 (78-12223). I tried to help him - by the time he rec'd the letter (15 min. to find) he didn't understand. He will be home Mon or Tues. Pls Call.

SIGNED [Signature] 9711

WorkCentre 7345 Transmission Report

G3 ID

Date/Time: 11/05/2008; 10:25AM
Page: 1 (Last Page)

Local Name
Logo

Document has been sent.
Document Size 8.5X11"SEF

FACSIMILE TRANSMITTAL SHEET	
TO: PATRICK FARRELL	FROM: VICKY MUSIC
COMPANY: EDWR	DATE: 11/5/2008
FAX NUMBER: 365-4863	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER: 334-2190	SENDER'S REFERENCE NUMBER:
RE: TRANSFER OF WATER RIGHT APPLICATION	YOUR REFERENCE NUMBER: NA
☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ☐ PLEASE RECYCLE	

PATRICK,

I HAVE TRIED TO REACH YOU BY PHONE AND MAIL RE YOUR APPLICATION TO ADD A POINT OF DIVERSION (PUMP) ON THE WATER RIGHT REFERENCED ABOVE. THE MAIL HAS BEEN RETURNED WITH A NOTE "TEMPORARILY AWAY" AND THE PHONE NUMBER YOU PROVIDED ON YOU APPLICATION SOUNDS LIKE A FAX MACHINE. THEREFORE, I AM ATTEMPTING TO COMMUNICATE WITH YOU VIA FAX.

ATTACHED IS THE LETTER I SENT TO YOU AUGUST 5, 2008. PLEASE CALL ME AS SOON AS POSSIBLE.

THANK YOU.

Vicky Music
VICKY MUSIC

SR WATER RESOURCE AGENT

Total Pages Scanned: 4 Total Pages Sent : 4

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	3080	1	11- 5:10:21AM	3m45s	4 / 4	G3		CF

Note:
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

FACSIMILE TRANSMITTAL SHEET

TO:	PATRICK FARRELL	FROM:	VICKY MUSIC
COMPANY:	IDWR	DATE:	11/5/2008
FAX NUMBER:	365-4863	TOTAL NO. OF PAGES INCLUDING COVER:	4
PHONE NUMBER:	334-2190	SENDER'S REFERENCE NUMBER:	
RE:	TRANSFER OF WATER RIGHT APPLICATION	YOUR REFERENCE NUMBER:	NA

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ☐ PLEASE RECYCLE

PATRICK,

I HAVE TRIED TO REACH YOU BY PHONE AND MAIL RE YOUR APPLICATION TO ADD A POINT OF DIVERSION [PUMP] ON THE WATER RIGHT REFERENCED ABOVE. THE MAIL HAS BEEN RETURNED WITH A NOTE "TEMPORARILY AWAY" AND THE PHONE NUMBER YOU PROVIDED ON YOUR APPLICATION SOUNDS LIKE A FAX MACHINE. THEREFORE, I AM ATTEMPTING TO COMMUNICATE WITH YOU VIA FAX.

ATTACHED IS THE LETTER I SENT TO YOU AUGUST 5, 2008. PLEASE CALL ME AS SOON AS POSSIBLE.

THANK YOU -


VICKY MUSIC

SR WATER RESOURCE AGENT



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

November 5, 2008

PATRICK FARRELL
3167 FROZEN DOG RD
EMMETT, ID 83617

Re: APPLICATION FOR TRANSFER 74395, WATER RIGHT NO.78-12228

Dear Mr. Farrell:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right(s). Additional information is needed to evaluate and process your application. On August 5, 2008, I sent you the enclosed letter. It was returned with a note from the post office that you were "temporarily away". I have attempted to phone and fax contact you but have had no success.

Please submit the information requested in the enclosed letter for application 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 thirty (30) days of the date of this letter.

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,

Vicky L. Music
Sr. Water Resource Agent

Enclosures: Letter dated 8/9/08, copy of returned mail envelope received by IDWR 8/8/08.

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE
REQUESTED



FIRST CLASS
PRESORTED



X-for 74395
78-12228

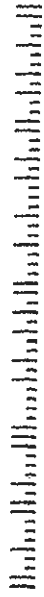
RECEIVED
AUG 08 2008
WATER RESOURCES
WESTERN REGION

August 5, 2008

Patrick Farrell
3167 Frozen Dog Rd
Emmett, ID 83617

T 837 NFE 1 7081 00 08/07/08
RETURN TO SENDER
FARRELL, PATRICK SYLVEST
TEMPORARILY AWAY
RETURN TO SENDER

FA00551 936
8370505082





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

August 5, 2008

Patrick Farrell
3167 Frozen Dog Rd
Emmett, ID 83617

*Re: Application for Transfer of Water Right
Transfer No. 74395, Water Right No. 78-12228*

Dear Mr. Farrell:

In June of 2007, you filed an Application for Transfer of Water Right for a portion of water right no. 78-12228. The transfer application has been assigned to me for review and processing. I have reviewed the transfer application and there are omissions in the application that you must correct before I can continue to process the application. I'll describe the omissions here.

- 1 – The application for transfer in Part 2 (2) requires documents that prove ownership of the property. The parcel map and legal description you provided does not prove ownership. Please provide a recorded warranty deed.
- 2 – The application requires a map of the proposed place of use and point of diversion. The parcel map shows your parcel but does not show the point of diversion from the Salmon River. Please provide a map with where you propose to place your pump.
- 3 – Your application is for a diversion rate of 0.009 cfs to be applied to 0.25 acre. Water right 78-12228 is for 0.015 cfs and 0.5 acre. Your property is one-half of this and the corresponding quantity appurtenant to your 0.25 acre is 0.0075 cfs.

Generally, IDWR does not approve a transfer of less than one acre due to the difficulty for IDWR in administering such a small right. The statutory diversion rate for one acre is 0.02 cfs which is 9 gallons per minute. The diversion rate of 0.0075 cfs is approximately 3.4 gallons per minute.

In order for IDWR to approve this transfer, you must provide information as to how you will divert such a small quantity from the Salmon River, how your diversion and delivery of this quantity can be verified so that IDWR can administer this right to prevent injury to other users and an enlargement of this right.

August 5, 2008
Patrick Farrell
Page 2 of 2

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. Your response or a request for more time to seek the information must be received by September 8, 2008. The application will be voided without a timely written reply.

Please contact me at 208-334-2190 to discuss your application and thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicky L. Music". The signature is stylized with a large initial "V" and a cursive "L".

Vicky L. Music
Sr. Water Resource Agent
Western Region

MEMORANDUM

Type: In Office Conversation

Telephone

OD

Meeting Notes

Follow-up

Log of Events

Other _____

To: Transfer File - Patrick Farrell.

From: J. Westra, Western Reg. JFW.

Date: 9/24/07

RE: Status of App. Transfer.

Application is on hold.

No fee received; Applicant will send fee \$100⁰⁰

Will not be processed ~~soon~~ at least until 2008.

* Fee paid 9-25-07 DB W035852(\$100-)

Patrick
~~Carolyn~~ Farrell

*Here is the Fee
for my water right
on the Little Salmon
at Pine Hurst property.*

Patrick Farrell

RECEIVED

SEP 25 2007

WATER RESOURCES
WESTERN REGION

