



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 23, 2005

LINDA & DANIEL YANKE
C/O RICHARD D HEATON ESQ
4414 S GEKELER LN
BOISE ID 83705

Re: Application for Transfer of Water Right Nos. 2-2100A and 2-7086 and Application for Permit

Dear Applicant:

The above referenced application for transfer to change your existing water rights was recently received. Processing of the transfer application must be delayed as explained below.

The transfer application describes water rights for which Snake River Basin Adjudication (SRBA) Claims have been filed. SRBA Claims in the area affected by the transfer application are currently being reviewed. The role of the Idaho Department of Water Resources (IDWR) in the SRBA is to review claims and make recommendations regarding those claims to the SRBA Court. Recommendations are presented to the court in a Director's Report. Potentially affected parties may object to recommendations in a Director's Report. This process introduces uncertainty regarding water rights until the objection period is over.

IDWR's limited staff resources must be used to complete the remaining Director's Reports during the next year. Additionally, experience indicates that processing an application for transfer in an area where a Director's Report is being prepared can result in confusion and complications by mixing judicial (SRBA) and administrative (transfer) actions.

The SRBA objection period for the area in question is expected to conclude sometime during the latter half of next year if not earlier. Based on that schedule and the above reasoning, the transfer application cannot be processed at this time. IDWR will hold the transfer application and will notify you at the appropriate time for it to be processed. The related application for permit to compliment the permissible place of use proposed by the transfer application can be processed without the above described delay. IDWR will contact you with any questions as the application for permit is processed.

IDWR regrets the inconvenience undoubtedly caused by this necessary delay for the transfer application. Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor