



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 26, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Arnold VanBerkel
4407 W Nicolas Ave.
Visalia CA 93291

RE: Application For Transfer—Add Point of Diversion WR #63-32138

Dear Mr. Van Berkel:

Your letter of August 15, 2005 has been forwarded to me regarding the processing of your application for transfer. I would like to respond.

As discussed in the previous letter from Steve Lester, the processing of your application will be delayed. Water right #63-32138 is based on an Adjudication Claim that has been submitted in the Snake River Basin Adjudication (SRBA). Processing mixed water right administrative and judicial actions produces confusion and complications. Our office will not be processing transfer application until the objection period has passed for the claim area sometime in late 2006.

It is unfortunate that you have not been able to negotiate access to the well location that served as the irrigation source of your property. However, Canyon County Assessor records reveal the property sale transaction was recorded in September of 2004, and our office did not received your transfer application until July 12, 2005. Your letter indicates, that you have lost your crop in 2005, and were told the transfer approval would be made by August 05. Application for transfer processing (at best) takes 4+ months given the legal notice requirements and limited resources. It is troubling to see how our agency would be responsible for your 2005 crop loss.

We regret the inconvenience, but your application will continue to be held by our office. Once the SRBA objection period has expired, you will be notified that your application is again being processed.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Westra'.

John Westra, Manager
Western Region