



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**

February 21, 2008

DARWIN VANDER STELT
16931 STAR RD
NAMPA ID 83687

Re: Application for Transfer No. 73647, Esther and Wayne Craig

Dear Darwin:

The Idaho Department of Water Resources (IDWR) seeks additional information for the above referenced transfer application that you filed for your client. The information is necessary to process the application as outlined below.

The application was filed in October 2005 when Craig owned the property. Since then, water right no. 63-32159 has been split. Transfer 73647 therefore proposes a split to current right 63-32617. The land proposed for use under this transfer application is currently owned by Shaun Haskins.

Assuming the water right remains appurtenant to the place of use, Haskins should be the applicant. This can be done with a notarized letter from Craig assigning the application to the new owner.

Normally IDWR can informally address changes to transfer applications attributed to new water right records generated by ownership splits independent of the transfer process. However, in this case the transfer application was deficient in other areas. Therefore an amended application was generated from the IDWR database for Haskins' review (see enclosed). To complete the application, Haskins should respond to the two highlighted questions on page 3: provide a warranty deed for the proposed place of use, and indicate if that land is subject to any liens etc. The latter item also requires written consent of the lien holder etc. if applicable.

The amended application provides full irrigation coverage to 19.2 acres for Haskins. Domestic use was omitted in the amended application due to the file history. Current right 63-32617 originated under old "parent right" 63-7430. The old right included one home that was shown to have the same place of use as all the irrigated land under the old right. A specific home site was not identified under the old right.

Application for Transfer No. 73647

February 21, 2008

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A water right is not required to use the Haskins well for a home ("exempted domestic use"). It would be complicated and probably not productive to cover the domestic use in the amended transfer application. To cover that use it would be necessary to do one of two things:

1. identify the single home originally covered under the parent right and retire that domestic use, or
2. identify additional land irrigated under 63-32617 that would be retired to provide the irrigation water for a domestic use.

Neither of those options is likely to add value to the application. If, however, the applicant insists on covering domestic use in the transfer application, we can figure out the necessary details to do that.

Also, the proposed well was drilled as a single-family domestic well in 1997 (well log in original transfer application). An \$85 well drilling permit fee upgrade to provide irrigation use from the well is necessary for the amended transfer application to be submitted by Haskins as follows:

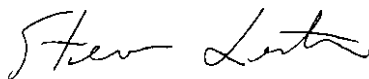
Transfer application fee paid	\$290
Transfer application fee needed	\$250
Overpayment	\$ 40
Drilling permit fee upgrade needed	\$125
<i>Balance due</i>	<i>\$ 85</i>

Please submit the requested information for processing to continue for Transfer Application 73647. Additional time may be requested to provide the information by making a written request to interrupt processing for up to six months. A written response including the requested information, or a request for more time to seek the information, must be received within the next sixty (60) 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.

Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure: Draft Amended Application

Transfer No. 73647
Receipt No. W033505

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information SHAUN A HASKINS
7345 S FLAT LN
KUNA ID 83634
(208)922-0435

AMENDED

Will this transfer result in an ownership change? X Yes No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
63-32617	WR/License	0.95	206.4		45.6	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-32617	YES	YES	NO	NO	NO	NO

Describe the reason for the proposed changes

Applicant wishes to delete two points of diversion and add a new one to reflect changes brought about by the subdivision of the property. Applicant also wishes to change his water right to reflect the changes in ownership from the sale of portions of the pou. *Property aka Lot 7, block 1, Flat Estates Subdivision*

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

N/A

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
63-32684	0.38 cfs		19.2	~~07.6~~ af
TOTAL	0.38 cfs		19.2	~~07.6~~ af

Proposed new right # for Applicant

86.4

Transfer No. 73647
Receipt No.W033505

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.

(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

Transfer No. 73647

Receipt No. W033505

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 63-32617

Priority Date: May 10, 1971

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

IRRIGATION AT:
 .02 CFS/ACRE
 4.5 AFA/ACRE } is full coverage?

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01 12/31	0.02 CFS	1.2 AFA
IRRIGATION	03/15 11/15	0.93 CFS	205.2 AFA
Total Diversion		0.95 CFS	206.4 AFA

Source and Point(s) of Diversion:

GROUND WATER L4 (SESWSW) Sec. 18 Twp 01N Rge 01E ADA County
 GROUND WATER NWNESW Sec. 19 Twp 01N Rge 01E ADA County

PLACE OF USE: IRRIGATION

<u>Twp Rge Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
01N 01E 18	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	39.0
										29.0	10.0						
										L 3	L 4						
01N 01W 13																6.6	6.6
																L 4	

Total Acres: 45.6

Conditions/Remarks:

- 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.
- This right is a split from former right 63-32334.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.15 CFS. COMBINED RIGHT NOS.: 63-7426, 63-7430A, 63-7430D, 63-31321, 63-31322, 63-31744, 63-32160, 63-32117, 63-32118, 63-32119, 63-32329, 63-32335, 63-32617, 63-32618.
- The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
- Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

N/A Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

- ✓ To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? No

Transfer No. 73647
 Receipt No. W033505

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 63-32684

Priority Date: May 10, 1971

Origin:

Basis: Decreed

Status: Pending
 Transfer

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>
~~DOMESTIC~~	~~01/01 12/31~~	~~0.02 CFS~~	~~4.2 AFA~~
IRRIGATION	03/15 11/15	0.38 CFS	86.4 AFA
	Total Diversion	0.38 CFS	~~86.4~~ AFA 86.4

Source and Point(s) of Diversion:

GROUND WATER

^ NWSW
 Gov 4. Lot 3

Sec. 18 Twp 01N Rge 01E ADA County

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 01E 18											19.2						19.2
											L 3						

Total Acres: 19.2

Transfer No. 73647
 Receipt No. W033505

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3B**

PORTION OF RIGHT No. 63-32617 BEING TRANSFERRED

Priority Date: May 10, 1971

Origin:

Basis: Decreed

Status: Pending
 Transfer

Source: GROUND WATER

Beneficial Use	From To	Diversion Rate	Volume
~~DOMESTIC~~	~~01/01 12/31~~	~~0.02 CFS~~	~~1.2 AFA~~
IRRIGATION	03/15 11/15	0.38 CFS	86.4 AFA
	Total Diversion	0.38 CFS	~~87.6~~ AFA 86.4

Source and Point(s) of Diversion:

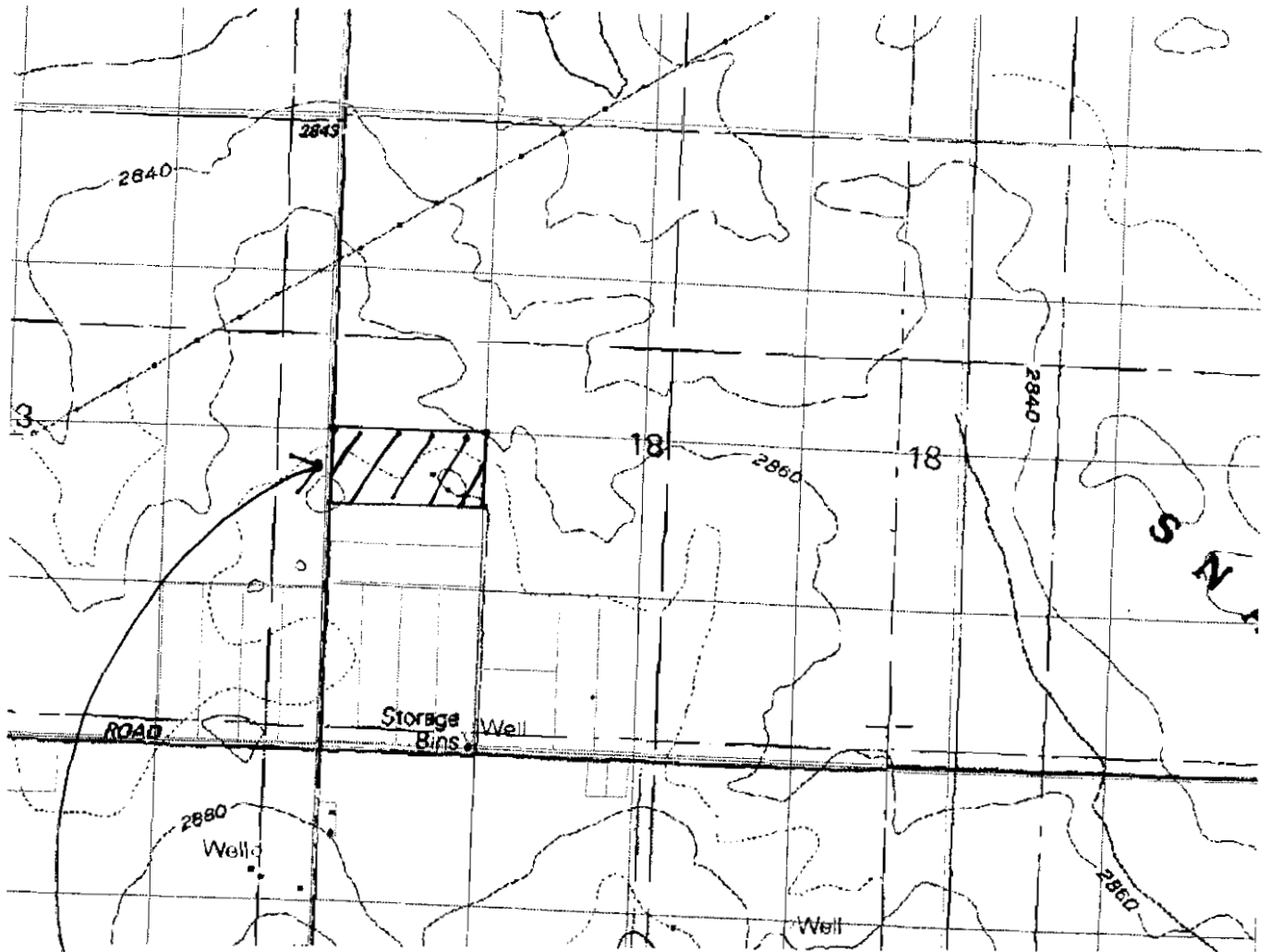
GROUND WATER	L4 (SESWSW)	Sec. 18 Twp 01N	Rge 01E	ADA County
GROUND WATER	NWNESW	Sec. 19 Twp 01N	Rge 01E	ADA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 01E 18											19.2						19.2
											L 3						

Total Acres: 19.2

Lot 7, Block 1



Unknown Units View

P/D + P/u
govt Lot 3
NWSW S. 18
T1N R1E

- FLAT ESTATES SUBD.

Ada taxlots
GCDB01N01W GCDB
GCDB01N01E GCDB

