



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

September 19, 2005

TED &/OR SANDY CANTRELL
28294 RIVER RD
BRUNEAU ID 83604

Re: Applications for Transfer of Water Right Nos. 57-7100 and 2-202A

Dear Applicants:

You recently filed two applications for transfer on the above referenced water rights. This letter explains the situation with respect to processing the applications. Water Right No. 57-7100 from Shoofly Creek was decreed in the Snake River Basin Adjudication (SRBA) in 1997. Snake River Water Right No. 2-202A remains pending for final determination in the SRBA. Both transfers describe a proposed permissible place of use for the combined rights.

The application for right 2-202A describes a water right for which a SRBA Claim has been filed. SRBA Claims for rights diverted from the Snake River 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 SRBA Claim 2-202A is expected to conclude sometime during the latter half of next year. Based on that schedule and the above reasoning, the application for this water right 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 application for right 57-7100 is not subject to delays related to the SRBA. However, it may be problematic to process one application for the proposed place of use while not processing the other one. Since both applications constitute a water right package to provide the desired coverage, it seems better to delay processing the transfer application for this right until the other one can be

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processed. I will assume you want both applications held together unless you let me know otherwise within the next thirty (30) days.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", with a stylized, cursive script.

Steve Lester
Water Rights Supervisor