



State of Idaho

DEPARTMENT OF WATER RESOURCES

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WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 21, 2007

DAVE AND JUDY CLASON
PO BOX 465 AIRWAY HEIGHTS WA 99001

RE: APPLICATION FOR TRANSFER FOR WATER RIGHT 03-10197

Dear Mr. and Ms. Clason:

Your portion of water right 03-4018 now numbered 03-10197 has been recommended to the Snake River Basin Adjudication (SRBA). The water right was not objected to in the SRBA court process, so we can proceed with processing of the transfer you filed in 2004 on this right. Whereas the right was split in the SRBA process to show your portion of the right, some changes are going to need to be changed in order to process the application. Please see the changes and corrections needed below:

- 1.) The transfer application and the water right have two separate telephone numbers. The telephone number on the transfer will replace the number on the water right, so please make sure this number is correct.
- 2.) The address was not fully completed. Please make sure this line is completely filled out.
- 3.) On Page 1, Section A1 you neglected to mark the purpose of the transfer. If I understand your application correctly, your purpose would be to change the point of diversion. Please check this box.
- 4.) On Page 1, Section B1, your portion of water right 03-4018 is now 03-10197. Please use the new water right number to properly describe your water right. Your water right was recommended with a 0.26 cfs diversion rate. This is the maximum amount we can allow for 13 acres, and it wasn't objected to in the SRBA court, so please use this diversion rate. The season of use or the time that irrigation can be used each year was extended in the recommendation to March 1 to Nov. 15, which is the standard season of use for irrigation in your area. Please change this unless you would like to reduce the time you are allowed to irrigate.
- 5.) On Page 1, Section B4, The legal description you listed was the old point of diversion not the new point of diversion shown on the map. The map shows the new point of diversion to be located in the Government Lot 5, NE ¼ SE ¼ SE ¼ Section 5, Township 7 North, Range 5 West. This would place the point of diversion on your property. If this is correct please make the needed changes.

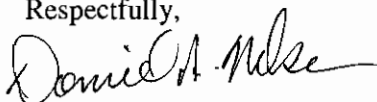
- 6.) On Page 1, Section B5, please add the Government Lot number under the acres being irrigated. This can be designated with an L5.
- 7.) On Page 2, Section 6B, you marked that the lands were not subject to a deed of trust, however, in the Snake River Basin Adjudication process, Paul E. McCabe and Peter J. McCabe filed a notice of Security Interest on this water right. Whereas the McCabes filed this notice, we are required by law to ensure that they are aware of the transfer and agree to the changes the transfer proposes. Therefore, you will either need to have the McCabes release the notice of Security Interest in the property or attain a notarized statement from them agreeing to the changes. If you get the letter from the McCabes, this question will need to be marked YES, if you get the security interest released your will need to mark this portion NO.
- 8.) I have included computer-generated pages of Part 2 of the transfer (pages 3 and 4). You can use these pages, or you can correct the existing pages of the original transfer. It would be easier to use the pages supplied, and more accurate. Either way you would need to initial and date the new pages or the changes you made on the original.

I know this list seems daunting, so I included a copy of the application showing where the changes need to be made. I hope this is helpful in deciding how you would like to fill out your application. The copy is only a reference, so you need to ensure that any changes made to the original transfer application are done correctly. You will need to initial and date all changes and initial and date all new pages added. Please return the original application with the letter for the McCabes. Do not return the copy of the transfer that I sent to point out the areas that needed change.

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 delay or interrupt processing. **Your written response including the requested information, or a request for more time to seek the information must be received by April 23, 2007.** IDWR will issue a preliminary order to reject or deny the application without a timely reply.

If you have any questions or concerns please contact me at the above address.

Respectfully,



Daniel A. Nelson
Sr. Water Right Agent

Enclosures.