



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 23, 2005

Lee Yellin
Water Rights, Inc
PO Box 9285
Missoula, MT 59803

Dear Mr. Yellin:

Please find enclosed a Water Right Transfer Application, in the name of Walter & Linda Lachewitz, that you recently filed with our office. Also enclosed is the \$100.00 filing fee (Walter Lachewitz Jr. check #4847) that was included with the application. The application is being returned due to a couple of incomplete items that need to be addressed and so that you can reconsider the concept and amounts described in the application.

With regards to the application, the following deficiencies were noted...

- Item #6b was not answered on the second page of the application. Note that if this question is answered "yes", a notarized statement agreeing to the proposed change from the holder of the encumbrance must be included with the application.
- The application and the water right involved with the application are in the name of Walter J. Lachewitz Jr. and Linda A Lachewitz, meaning that both parties need to sign the application. Also note that a Notary Public must notarize the signatures on the application.
- The application proposes a change in the nature of use of a water right, in this case from irrigation to some sort of pond use. Note that for changes in nature of use from irrigation, evidence of the type of crop that has been irrigated needs to be included with the application. The type of crop and its corresponding irrigation requirement determines the actual amount of water that can be transferred to a new use.

Page 2
Yellin / Lachewitz Transfer Letter
August 23, 2005

The overall concept of the application appears to be to dry up 0.86 acres of ground irrigated by right 37-562D so that a seven-foot deep pond can be constructed on the same 0.86 acres. The exact volume of the pond is not indicated on the application or any of the attachments included with the application. As previously mentioned, there was no evidence of what type of crop was irrigated on the 0.86 acres to be dried up, but assuming the crop was some sort of pasture, 2.53 ac-ft per acre (annual irrigation requirement for pasture in the Hailey area) would be the allowed amount of credit for conversion to a new use. Therefore, conversion of 0.86 acres of irrigated pasture would allow for approximately 2.2 acre-feet of water storage. I presume the seven-foot deep pond will have a storage volume significantly larger than 2.2 acre-feet. Therefore, it does not appear that the transfer dries up enough acres to even fill the pond.

The application indicates that an irrigation pump will be located in the pond, presumably to divert water from the pond into an irrigation system for the irrigation of the remaining land described on the water right. The site map that was included with the application indicates that the irrigation ditch will be retained for a "future bypass channel". I do not understand exactly how the water diverted from the Big Wood River will be distributed between the pond, irrigation ditch / "bypass channel", and the irrigation pump in the pond. Because the pond is off stream, not located on the Big Wood River (the source described by the water right), there will need to be a diversion to storage (rate in cfs) amount described on the application. There may also need to be uses such as irrigation storage, recreation storage, irrigation from storage, recreation, etc. described on the application. These uses will have various types of allowable amounts, periods of use, etc. depending on the intended operation of the system. You may want to contact me so that we can discuss how the system will be operated and what uses will need to be described on the application.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,



Corey Skinner, PE
Water Resource Engineer

Enclosures