



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 15, 2005

Charles E. Brockway
Brockway Engineering
2016 N. Washington St., Suite 4
Twin Falls, ID 83301

Re: City of Mountain Home Transfer No. 72128

Dear Mr. Brockway:

The amended application for transfer you recently submitted for the City of Mountain Home proposes the nature of use under rights 61-2167 and 61-2210 be retained as irrigation rather than municipal use as originally filed.

In the parallel review of this proposal with department personnel at the State Office, it was brought to our attention that the Director has addressed such a scenario with United Water Idaho. In a letter to UWID's attorney, the Director stated IDWR has long recognized that a water right with an irrigation purpose of use may be used for the irrigation of lawns, gardens, parks and landscaping. The fact that the irrigation water may be co-mingled and distributed through a municipal system that also delivers water for other municipal purposes, does not alone necessitate a change in the nature of use of the water right from irrigation to municipal. However, the Director went on to say that a key factor in not requiring a change in the nature of use of the water right from irrigation to municipal is that the applicant provide annual reporting of appropriate measurements and accounting procedures to demonstrate that the additional water diverted is necessary to satisfy increased summer demand for irrigation water through the municipal system on lands for which the right is authorized to be used. In order to satisfy this accounting requirement, it may be necessary for City of Mountain Home to demonstrate through representative metering the amount of co-mingled irrigation water that is withdrawn from its municipal delivery system for irrigation use on lands authorized under the rights.

Provided that an appropriate accounting is made of the amounts of water diverted and used for irrigation, a municipal water provider may divert irrigation water into its common municipal delivery system and deliver the irrigation component for irrigation purposes. However, establishing an appropriate measurement and accounting procedure in accordance with the policies and provisions of chapters 6 and 7, Title 42, **Idaho Code**, is necessary.

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Please submit the requested information to allow final evaluation of the transfer 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 within thirty (30)-days of the date of this letter. The application will be voided or removed from our records without a timely reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long, sweeping horizontal line extending to the right.

DANIEL A. NELSON
Sr. Water Resource Agent