

January 24, 2006

Mr. Clyde L. Phillips
12 Hussey Lane
Salmon, ID 83467

Re: Transfer 72536

Dear Mr. Phillips,

Thank you for submitting your transfer application referenced above. In processing your application, several issues have come to light that require your attention. They are:

1. Right 75-4003 has been recommended by the Snake River Basin Adjudication (SRBA) to be disallowed. The amount of acres that pertained to this right is 23 acres for 0.7 cfs. Unless your plans are to challenge the SRBA recommendation, I feel that you should remove the right from the transfer application altogether.
2. The application shows that the proposed place of use will be an area of 180 acres. SRBA recommendations for rights 75-101 and 75-102 together only provide for the irrigation of 85.1 acres. The department can accommodate this request for a permissible place of use (PPU) if the applicant genuinely plans to rotate irrigated lands from year to year. However, if the applicant wishes to irrigate the proposed pivot locations from a pressurized system, these locations should be accurately described to accommodate the total of 85.1 acres.
3. Clyde L. Phillips is the transfer applicant. However, Janelle D. Phillips is also included on the tax notices. As such, we require that Janelle to sign the transfer application unless documentation is provided that shows that Clyde L. Phillips has sole signature authority.
4. Tax notices were provided. Our level of comfort would be increased if copies of warranty deeds for these grounds were also provided.
5. Since right 75-4003 will likely not be included in the transfer application. The fee rate for the transfer application has been reduced to \$330. You should request a refund of the difference of \$40.

For your convenience, I have made a copy of the transfer application for our file and have enclosed the original for you (or your consultant) to re-work. Also included are department print outs of Part II of the application showing the description of your rights and the questions that were answered for them. You may substitute these pages for Part II of the transfer application.

Please call me if you have any questions or require any assistance. I look forward to serving you expediently in this matter.

Sincerely,

W. Roger Warner
Water Right Supervisor – Eastern Region

Cc: Ingrid Enschede – Upper Salmon Basin Watershed Project, with enclosures.
Bill Graham – IDWR State Office, w/o enclosures.