



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

May 20, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF BOISE
PARKS AND RECREATION DEPT
ATTN: MARIA MINICUCCI
1104 ROYAL BLVD
BOISE ID 83706

RE: Change in Ownership for Water Right No. 63-10853

Dear Ms. Minicucci:

The Department of Water Resources acknowledges receipt of the Notice of Change in Water Right Ownership submitted by the City of Boise on May 19, 2005 along with Check No. 187488 for \$75. The \$75 payment, along with the payment of \$25 submitted on February 18, 2005, covers the total fee required for the ownership change as filed.

I believe I may have caused some confusion by my suggestion that the Department would accept a quitclaim deed to aid in processing the change in ownership as desired by the city. A quitclaim deed from Sterling Landscape Co. to the City of Boise for the domestic portion (and any remaining balance of the irrigation portion) of Water Right 63-10853 would have provided a means for the city to subsequently abandon the domestic portion of the water right and maintain the full irrigation use associated with the property. The deed submitted with the ownership change quitclaims the domestic portion to the State of Idaho instead of to the city and therefore results in a split of the water right and confusion regarding the status of the domestic portion.

Although a quitclaim deed to the State of Idaho would not normally be considered a statement of abandonment of a water right (or portion thereof), the Department will consider the domestic portion and remaining balance of the irrigation portion (0.1 acres and 0.5 afa) of the right to be abandoned based on the quitclaim deed and your letter of May 17, 2005. The Department has updated the record for Water Right 63-10853 to show the City of Boise as owner and the use as irrigation for 4.2 acres, 0.13 cfs and 18.9 afa. A computer-generated report showing the changes is enclosed for your reference.

Let me know if this approach is not satisfactory to you. Please feel free to contact me at 208-287-4948 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Sterling Landscape Co.