



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

September 30, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHARLES E BROCKWAY PHD PE
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST SUITE 4
TWIN FALLS ID 83301

Re: Transfer 71475 - Searle

Dear Chuck:

I have received your letter of September 19, 2005 regarding the transfer referenced above. In your letter, you discussed your understanding of our discussion on September 19. I would like to clarify a couple of points that you made in your letter.

As we discussed, the transfer can include up to 1916.7 afa according to the mitigation schedule, but the use of water under those rights will be limited to 522.4 acres, in any irrigation season, within the entire permissible place of use.

We also discussed the current policy requiring reduction of volume and rate for mitigation purposes without reducing acres (for irrigation to irrigation transfers in ESPA). You noted in your letter that it "...has not been the policy in the Southern Region and several transfers have been processed and approved without reducing acres or discharge rate." In fact, the policy has been in place since April 2003 and transfers have been approved with reductions of volume and rate from Southern Region. I discussed this with Allen Merritt and he agreed that the policy and has been in place and in practice, but may have been forgotten in your recent discussion with him because irrigation to irrigation transfers have been few and far between during the last couple of years.

Finally, you indicated that you discussed the transfer with the applicant and the change to the transfer is agreeable with the Searles. The Department will proceed with advertising and continue processing the transfer as we discussed. The volume and proportionate rate will be limited based on the mitigation schedule provided with the application.

If you have any questions regarding this matter, please contact me at 208-287-4948.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt