



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 23, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SPF WATER ENGINEERING LLC
ATTN TERRY SCANLAN
600 EAST RIVER PARK LANE, SUITE 105
BOISE ID 83706

**RE: APPLICATIONS FOR TRANSFER FOR WATER RIGHTS 63-4949 AND
63-9972 FOR THE JESUS CHRIST OF LATTER DAY SAINTS CHURCH**

Dear Mr. Scanlan:

Over the past several weeks, we have been communicating by email concerning the three transfers filed by the Jesus Christ of Latter Day Saints Church for the Northside, Farmway, and Middleton facilities. The number of emails and telephone calls we have had concerning these applications has created some confusion in the paperwork for these files. In order to clarify our files, and to make sure we agree on the issues, I wanted to send out this letter to get the communication concerning these files back on a more formal level, so the progress for the files can be tracked. I have attempted to show the progress and the information still needed in the following statements:

- 1.) Your client has supplied sufficient documentation to allow our adjudication staff to determine that water right 63-4949, would be recommended for 3 acres of irrigation at a diversion rate of 0.09 cfs and a priority date of 1954.
- 2.) I requested that the Landscape maps be redone to show the location of the well and the lands being irrigated for all three properties for mapping purposes.
- 3.) In review of the transfer for the Northside facility, two water rights were listed to cover 1.7 acres of ground. The current Administrative Processing Memo for Transfer does not allow a transfer to be approved on a water right proposing to transfer less than one acre of irrigation from that specific right even the total acres shown in the transfer exceed one acre. I have contacted you to rework the three transfers, so that water rights would provide over 1 acre of irrigation from each water right for each property. Placing the two separate water rights on the Farmway property and cover the Northside facility with a single water right can do this.

- 4.) All three properties currently have surface water available to the properties. The water rights being transferred are primary water rights or provide the full allocation of water to the ground currently being irrigated. Administrative Memo for Processing #7, states that any water right however acquired with the earliest priority date is considered as the primary water right, and all water rights with earlier priority dates applied to that purpose is considered supplemental. Therefore, you were going to contact your client and determine if they wanted to change these water rights to supplemental use (using the full allocation of surface water first), or if they were going to relinquish the surface water prior to putting the ground water associated with these rights to use. We discussed three options for relinquishing the surface water. The first was to relinquish the surface water rights now, and hope the transfer is approved. The second was to go forth with the transfer with the supplemental conditions being included on the transfer, and then once the transfer is approved, relinquishing the canal rights and requesting the conditions be removed. The third option and probably the best option was to make a formal request of the department to include a condition on each water right that says that prior to diverting ground water under these transfers, your client through this agreement will have taken the necessary steps to remove the surface water from the property.

I believe this all the information that we have discussed over the past several weeks. I do know that we will need resolution on the last three issues before we can continue with processing. If you feel that I have missed something, please let me know as soon as possible, so I can note the file. Since, we have been in fairly close contact on these issues, there hasn't been a need to set a deadline for attaining the information. However, now that all the issues concerning these requests have been resolved, it is now prudent to set a time to have this information submitted.

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions or concerns please contact me at the above address.

Respectfully,

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

Daniel A. Nelson
Sr. Water Right Agent