



State of Idaho

DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 18, 2005

UNITED STATES OF AMERICA
ACTING THROUGH
USDI BUREAU OF LAND
MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

RE: Application for Transfer of Water Right 36-7497

Dear Applicant(s),

Our office recently received a water right transfer application, transfer # 71883 copy enclosed, involving decreed water right 36-7497. I have also included a copy of the SRBA partial decree for right 36-7497 for your reference. The transfer application proposes adding a second point of diversion (a recently drilled well approved under permit 829814) as an authorized point of diversion for right 36-7497.

During the preliminary processing of the water right transfer application a discrepancy in the volume limitation(s) for decreed right 36-7497 was discovered. Right 36-7497 has a decreed volume of 21.74 acre-feet, but also has a decreed statement that limits the daily diversion to 13,000 gallons per day. Noting that right 36-7497 also has a decreed period of use of April 1 to November 30 (244 days) and a decreed maximum diversion rate of 0.045 cubic feet per second, the 13,000-gallon per day limit would only allow for a maximum annual diversion volume of 3,172,000 gallons or about 9.73 acre-feet. Therefore, right 36-7497 has two different annual volume limitations (21.74 acre-feet vs. 9.73 acre-feet).

As part of the ultimate water right transfer approval, volume limits &/or appropriate conditions must be implemented into the approval. I have consulted with staff in our State Office in Boise, and it has been determined that when two different limits are described on a right, the more restrictive of the two limits would be the ultimate limiting factor. Therefore, if the Department continues in the processing of the pending transfer application, the annual volume limit of 9.73 acre-feet (based on daily diversion limit) would be the ultimate limiting factor.

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BLM Transfer # 71883 Letter

May 18, 2005

This letter serves as notice that if the Department is to approve the pending transfer application as currently proposed, the annual volume limit for right 36-7497 will be 9.73 acre-feet. The BLM may also want to explore the option of setting aside decree 36-7497 and possibly having it redecreed without the conflicting volume limitations.

I request that the BLM advise me on how they wish to proceed with the water right transfer application involving right 36-7497. If I do not receive a response within 30 days of the date of this letter, I will proceed with the processing of the application with the ultimate intent of limiting any possible approval to an annual volume of no more than 9.73 acre-feet.

If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corey Skinner', written in a cursive style.

Corey Skinner, PE

Water Resource Engineer

Enclosures