



**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](http://www.idwr.idaho.gov).

March 11, 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:

Kari Lynn Townsend of this office forwarded the City of Boise's Notice of Change in Water Right Ownership (submitted Feb. 18, 2005) to me for review. As I recall our discussion of several weeks ago, you indicated that the city wanted to change the ownership of the water right referenced above for the entire 0.13 cfs for irrigation use because the domestic parcel was not purchased by the city and the use associated with that parcel had been or will be abandoned. You were concerned that splitting the water right and abandoning the water right associated with the domestic parcel would result in a loss of 0.02 cfs associated with the water right leaving a balance of 0.11 cfs for irrigation use by the city. In addition, the city wanted to avoid paying a \$100 fee to split the water right ownership.

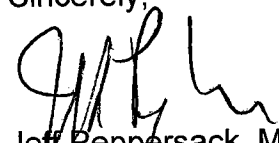
A quitclaim deed conveying the water right appurtenant to the domestic parcel to the city would have provided a means for the city to acquire and abandon the domestic use without abandoning any part of the 0.13 cfs authorized for irrigation. Unfortunately, the documentation submitted to the Department does not provide the means for the city to abandon the domestic use. The documentation provided would result in the following action by the Department.

The warranty deed for the parcel conveyed to the City of Boise provides a portion of the irrigation use to the city. The licensed water right provides for irrigation of 4.3 acres within a 4.7-acre parcel. The city purchased approximately 4.2 acres of that parcel. Assuming the entire 4.2 acres was irrigated, the city acquired most of the irrigation use (balance is 0.1 acres). The domestic use and the balance of 0.1 acres for irrigation use would be associated with the domestic parcel. That is supported by the field exam for the license which indicates that some lawn was irrigated around the office on the domestic parcel. Therefore, the documentation provided would require a split in the water right unless the city can provide documentation that the city owns the balance of the water right associated with the domestic parcel or documentation from the owner of the domestic parcel abandoning the appurtenant water right.

I am returning the Notice and supporting documents to you for further review and to provide you an opportunity to resubmit with the appropriate documentation. The city could acquire the entire water right in order to abandon the domestic use and fully utilize the irrigation of 0.13 cfs for use on the city's 4.2 acres. As an alternative, the owner of the domestic parcel could submit documentation to abandon the use associated with the domestic parcel. That action could clarify that 0.13 cfs (rounded up from 0.127 cfs) remains for irrigation use on the city's 4.2-acre parcel.

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', written over the printed name.

Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosures