



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 9, 2004

Mr. Kent Foster
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
P.O. Box 50130
Idaho Falls, ID 83405

Re: Application for Transfer in behalf of Richard I. Clayton, Water right 23-16A

Dear Mr. Foster,

Thank-you for submitting the Application for Transfer for and in behalf of Mr. Dick Clayton. In review of the application, I find that there are some essential elements required for processing. They are listed as follows:

1. I am not sure about the specific areas to be irrigated. A hand drawn map shows a blue/green-shaded area with legend denoting it as "original property." Is this the area to be irrigated? For your convenience, I have produced a black and white map showing the property lines as recorded from Bonneville County taxlot information. Please validate which parts are to be irrigated.
2. Since this right is combined with rights 23-48D and 23-98D for the irrigation of 111.7 acres, the amount reduced will result in 109.7 acres.
3. Since there is a reduction of acres for the original right, we require you to show us which areas of the right will be reduced and which areas are proposed to be continued to be irrigated. For your convenience, I have included a black and white map showing the outline of the original (SRBA recommended) shape. You may use this map to mark up and we can finesse the changes when it is returned with your application.

Of another matter but related. One of our adjudication agents was passing the location of the proposed transfer and found Mr. Clayton already installing the pump infrastructure to begin using the water as per the description of this transfer. When asked, Mr. Clayton indicated that he had a filed transfer that was going to advertisement this week. While, we recognize that you have submitted an application for transfer, we do NOT recognize it as being complete, ready for advertisement, or ready for the applicant to use the water as outlined in the application. If the applicant feels the need to use the water in the immediacy, he may apply for a temporary transfer under drought emergency rules until the permanent transfer is complete. To do otherwise, will risk service of a notice of violation, civil penalties, and potential delays for the permanent transfer.

If you have any questions, as always, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Roger Warner". The signature is fluid and cursive, with the first name "W." being more prominent.

W. Roger Warner

Water Right Supervisor – Eastern Region

Enclosures: Two black and white map of property areas.