



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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April 14, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHRIS DOYLE
PO BOX 1480
CALDWELL ID 83605

COPY

**RE: TWO APPLICATIONS FOR TRANSFER FROM WATER RIGHT
NUMBER 63-31213**

Dear Mr. Doyle:

Our office received your two transfers to split water right 63-31213 into three separate water rights on 12/29/2003. After initial review of the transfer, processing of these transfers will need to be delayed until the following additional information is received:

- 1.) Our office will need an aerial photo that shows exactly which acres will be retired for the two transfers. I have supplied an aerial photo for your convenience. Please mark on this photo where the 4 acres and 8 acres parcels are that will no longer be irrigated under the remaining water right.
- 2.) The transfer moving water to the Darren and Tiffany Weber property supplied a tax notice as proof of ownership of the Weber property. A tax notice is no longer considered a valid proof of ownership for transfer processing. Therefore, our office will need a warranty deed for the Darren and Tiffany Weber property. This can be acquired at the Canyon County Courthouse.
- 3.) We will need a letter, agreement, or acknowledgement from Darren and Tiffany Weber stating that the water can be moved to their property where they will take control and ownership of the water right. A similar document will be needed for Gary and Angela Weber for their transfer. We will need a separate letter for each transfer.

- 4.) The 4 acres owned in SWNW Section 12 by Gary and Angela Weber and the 8 acres owned in the NENW Section 12 by Larren and Tiffany Weber are located within the borders of Black Canyon Irrigation District. Our office will need a letter from both of these individuals informing us if they have access to any canal water, or if they currently own canal shares for their perspective properties. If their properties have canal shares then the primary right you are transferring to them will become a supplemental water right. This means that the water right will be conditioned that they will need to use the full allocation of surface water first if available prior to using their groundwater rights. They will also not be able to use their groundwater (well water) if they ever sell, lease, or move the surface water rights off their prospective properties. Therefore, we will need a letter from each party that tells us 1.) If they have access to canal water and 2.) If they do have access to canal water, the letter should acknowledge that they are aware that they will need to use the surface water first when available. We will need a separate letter from each party.

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,



Daniel A. Nelson
Sr. Water Right Agent

cc Darin J Taylor, Attorney At Law
 Larren G and Tiffany Webber
 Gary and Angela Webber