



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 15, 2008

Lawrence Kimball
35 Laidlaw Road
Carey, ID 83320

FAXED TO
LAWRENCE
KIMBALL
8/15/2008

Dear Mr. Kimball:

You recently contacted our office relating to an inquiry regarding changing the place of use of water rights within the Fish Creek Water District. Water rights are tied to the recorded place of use described on the right and cannot be changed to locations not described by the water right without filing the necessary applications with IDWR.

Changing the place of use of a water right can be accomplished via the water right transfer process described in 42-222, Idaho Code. As we discussed, this process requires public notice and a protest period. Due to the backlog of pending applications, and the required public notice and protest period this is not a timely process. In addition, this transfer process is typically used for a permanent type of change. It is possible that water could be moved via this process and then moved back via the same process in a separate application.

In previous years, Blaine County has been declared a drought emergency area (approved by the Governor) which allowed temporary one year transfers without public notice and protest periods as described in 42-222A, Idaho Code. These type of transfers can be processed in a more timely manner and can be approved during the same irrigation season. As of this date, Blaine County has not been declared a drought emergency area so this option is not yet available.

If you have any further questions, feel free to contact this office at your convenience.

Sincerely,

Corey Skinner, PE
Water Resource Engineer