



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

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JUL 13 2010
WATER RESOURCES
WESTERN REGION

July 12, 2010

Connie Brandau
Watermaster
Reynolds Creek District 57R
9902 Wilson Cemetery Ln.
Wilson, ID 83641

Dear Ms. Brandau:

Thank you for your recent letter regarding transfer application no. 75704 ("transfer application") currently pending before the Idaho Department of Water Resources ("IDWR"). I understand from your letter that you are concerned about the adequacy of the legal notice publication for the transfer application.

As I understand the facts of the matter, IDWR first published notice of the transfer application on May 19, 2010. The notice did not refer to the legal description of the place of use, but instead gave a general description of the place of use. The notice referred interested parties to review the transfer application at IDWR's Western Regional Office or on IDWR's website. I also understand that the application, as originally written, contained a conflict in the place of use as described. One part of the application showed a part of the place of use as being located in Section 19, Township 2 South, Range 4 West, Boise Meridian, but another part of the application and the map showed the place of use was in Section 19, Township 2 South, Range 3 West, Boise Meridian. The error was brought to IDWR's attention by you after the May 19, 2010 publication of the notice. The application was amended on May 25, 2010 and the second round of publication took place on May 26, 2010. You are concerned that the public, which might have reviewed the application after the first round of publication on May 19, 2010, might have been confused by the conflicting description of the place of use and would not have had the benefit of seeing the amended application submitted on May 25, 2010.

I have had the chance to discuss this issue with IDWR. Even though IDWR believes that a person reviewing the full transfer application and legal notice would have understood the intent of the transfer or had the opportunity to seek additional information regarding the transfer if they had questions regarding the place of use, IDWR agrees that it is best to republish the application so that there can be no questions raised as to the due process afforded to the public. Thus, I

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anticipate the notice will be republished in the coming weeks so the administrative process can move forward without further delay. If you have questions about the exact date the notice will be republished, please contact IDWR's Western Regional Office at (208) 334-2190.

If you have additional questions regarding this letter, please feel free to contact me at (208) 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baxter', written over the printed name.

Garrick Baxter
Deputy Attorney General
Idaho Department of Water Resources

cc: Jeff Peppersack
Kriss Bivens-Cloyd