State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 19, 2018

Idaho Water Company LLC
1135 Valley Rd S
Eden ID 83325

RE: Application for Transfer 82746

Dear Applicant:

Enclosed is a copy of a petition to intervene filed against the issuance of the above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the petition and to attempt to resolve the petition.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests and / or petitions. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purpose intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

5. Will the proposed use conflict with the local public interest?

6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

Sharla Cox
Water Rights Administrative Assistant

Enclosure

cc: Greg Sullivan
Brockway Engineering
2016 N Washington St Ste 4
Twin Falls ID 83301

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December 19, 2018

Perkins Coie LLP
1111 W Jefferson St, Ste 500
Boise ID 83702-5391

RE: Application for Transfer 82746

Dear Intervenor:

Your petition to intervene against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the petition.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code ' 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?

2. Is the proposed water supply insufficient for the purpose intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

5. Will the proposed use under this permit conflict with the local public interest?

6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send

a copy of the petition to intervene to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,

Sharla Cox
Administrative Assistant

cc: **Barker Rosholt & Simpson**
Travis L Thompson
Jonas A. Reagn
PO Box 63
Twin Falls ID 83303-0063

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Burley ID 83318