



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

November 30, 2018

**Gardner Farms
589 N 150 W
Blackfoot ID 83221**

RE: Application for Transfer 82405

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.

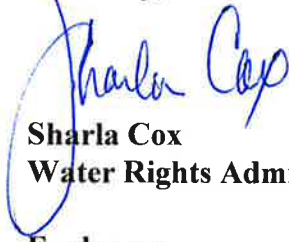
Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests and / or petitions. At a conference and/or hearing, the following are the principle items 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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**Idaho Ground Water Appropriators
Racine Olson
TJ Budge
PO Box 1391
Pocatello ID 83204-1391**

RE: Application for Transfer 82405

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**

**W Kent Fletcher
Fletcher Law Office
PO Box 248
Burley ID 83318**