



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave West, Suite 500 • Twin Falls, Idaho 83301

Phone: (208) 736-3033 • FAX: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

GARY SPACKMAN

March 25, 2015

Southwest Irrigation District
PO Box 668
Burley, ID 83318

RE: Bulcher Transfer No. 79579

Dear Bill,

Our office received your letter dated March 19, 2015 regarding Transfer No. 79579 approved on February 25, 2015, of ground water right 47-2521 from the Bulcher property to Funk. As you may know the transfer was advertised December 18th and 25th, 2014, with the last day of protest on January 5th, 2015. This transfer was not protested and the Watermaster of WD140 did not have any comment.

Since the opportunity to participate in this process as a protestant or party has passed the Department will not reconsider approval of the transfer.

Please note that the issues you raised in your letter were considered during our review. We found that right 47-2521 was originally licensed as a primary right and understood that over a period of time the Bulcher's had obtained TFCC shares which ultimately replaced the ground water use. We relied on records of the TFCC and the affidavit of Bruce Bulcher to develop a timeline of well use. We concluded that although the wells had not been used for several years that forfeiture or partial forfeiture of the water right had not occurred.

We understand that Southwest Irrigation District continues to do positive things to address declining water levels in the area. We welcome Southwest Irrigation District's participation in future transfer applications as a protestant if such future applications are believed to cause injury.

If you have further questions please free to contact this office.

Respectfully,

Allen Merritt, PE
Southern Region Manager

CC: Shelley Keen, Jeff Peppersack, James Cefalo - IDWR