



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

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SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 8, 2001

James Juan Spillet
PO Box 278
Rockland, ID 83271

RE: Applications for Transfer No. 5262 and 5263

Dear Mr. Spillet:

As you may recall in 1995 you filed two transfers as numbered above to modify two decreed water rights (portion of 41-00008 and portion of 41-00013) to allow their use on 52 acres in Section 20, T10S, R31E located on the west side of the South Fork of Rock Creek. You proposed to divert the water from a pump at the place of use. These transfers were advertised and transfer No. 5262 was protested by the Bench Ditch. Since that time both transfers have been held without further action mainly to allow the Snake River Basin Adjudication process to evaluate the rights in the Rock Creek basin and potentially evaluate the transfer proposals.

As you know the SRBA recommendations have been made for the Rock Creek basin and I understand that you have met with Corey Skinner from this office a couple of years ago and also recently met with Steve Clelland who has been working on the SRBA recommendations. I understand from them that these transfers do not accurately describe your intentions for continued use of the water at the site and do not conform to the SRBA recommendations. They indicate that these transfers should be withdrawn or cancelled.

This letter is to inquire of your intentions. If it is your desire to withdraw these transfers please send me a letter indicating that you wish to withdraw the applications. If you wish to continue these transfers please also notify me, we will need to set a conference between the protestant, SRBA staff and yourself to discuss the setting of a formal hearing if you wish to proceed. Please let me know how you wish to proceed within 14 days of the date of this letter. If you fail to respond I intend to issue a "Notice of Proposed Default" pursuant to IDAPA 37.01.01.700 (IDWR Rules of Procedure, Rule 700).

If you have any questions, please feel free to contact this office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Steve Clelland, James Robinson, Corey Skinner