

March 1, 2013

James Cefalo
IDWR
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: The matter of Application for Transfer of Water Right No. 79970 in
the name of Sally Johnson

Dear Mr. Cefalo:

After study of Idaho Code related to this protest, and discussions with others knowledgeable in water distribution, including IDWR staff, our local water master, and an advisory board member, it has become apparent that I can't gather enough evidence of the damage I will suffer to obtain a favorable resolution of this matter. I will continue to live with the problem of having the best rights on the lateral and be out of water while junior users are on.

Therefore, I will not be participating in the hearing scheduled March 6-7, 2013, and you may withdraw my protest of the transfer application No. 79970.

Sincerely,



Dwight Simmons

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Department of Water Resources
Eastern Region