



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

October 16, 2012

Randall Budge
PO Box 1391
Pocatello, ID 83204-1391

Re: Your Correspondence of October 8, 2012 regarding Water Right 29-7291/Ward & Sons, Inc.
and IDWR Pending Notice of Violation dated September 26, 2012

Dear Mr. Budge:

I reviewed your correspondence of October 8, 2012 to Pam Skaggs of IDWR on behalf of your client, Ward and Sons, Inc. Your letter asks that IDWR proceed with reprocessing Application for Transfer 69458 pursuant to the signed request form from Mr. Vance Ward. Your letter also states that Mr. Ward understood that IDWR will not take any further action on the Pending Notice of Violation and Notice to Cease and Desist that I issued on September 26, 2012.

The purpose of this letter is to acknowledge receipt of your letter and Mr. Ward's consent for IDWR to proceed with reprocessing Application for Transfer 69458 to change a point of diversion for water right 29-7291. IDWR will immediately begin reprocessing the transfer.

I also wish to confirm Mr. Ward's understanding that IDWR will not take any further action on its' Pending Notice of Violation and Notice to Cease and Desist dated September 26, 2012. IDWR will suspend any further action on the alleged violation given our understanding that Mr. Ward had intended to correct the problem with filing the original Application for Transfer 69458 in 2001. That application was incorrectly advertised and subsequently approved with the wrong point of diversion legal description. The error was later carried through on the partial decreed from the Snake River Basin Adjudication District Court. As stated in your letter, Mr. Ward may use the well in Section 36 pending reprocessing and final approval of Application for Transfer 69458.

Respectfully,

Tim Luke
Water Compliance Bureau

Cc: Vance Ward, Ward & Sons, Inc.
Pam Skaggs, IDWR State Office
James Cefalo, IDWR Eastern Region
Water Right File 29-7291