



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

February 16, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JO ANNE & MARK L LUPHER
DBA EPICENTER AQUACULTURE
PO BOX 336
CHALLIS ID 83226

Re: Application to Appropriate Water Nos. 72-7577 and 72-7578
Application for Transfer of Water Right No. 67067 (previously no. 5647)

Dear Applicant:

The applications referenced above were filed in 1999, advertised, and protested in 2000. The contested case has not been resolved. A Recommended Default Order was issued by the hearing officer in November, 2006; and, Exceptions to Recommended Default Order were submitted by the applicant in December, 2006. The most recent filings for this contested matter were a Motion to Resume Application filed by the applicant in June, 2009 and a Response to Motion to Resume Application filed by the protestant in July, 2009.

Because of the passage of time since the last filings, conditions of a lease agreement, desire to use water, or other circumstances may have changed. This letter requests that you inform the Department in writing, at the address in the letterhead, of your continuing interest in pursuing the applications referenced above and any change in circumstances that may affect processing of the applications. If the requested written statement of continuing interest is not received by the Department within thirty (30) days of the date of this letter, the Department will assume you are no longer interested in the applications and the Director will act on the Recommended Default Order and deny the application.

Please call me at 208-287-4948 if you have any questions regarding this matter.

Sincerely,

Jeff Peppersack, Chief
Water Allocation Bureau

Cc: Lois Morganroth
Al Morganroth, L&M Ranch
Jerry Rigby, Rigby Andrus & Rigby, Chtd.
Bruce Smith, Moore Smith Buxton & Turke, Chtd.
IDWR Southern Region