



State of Idaho

DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

April 5, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DICK & BETTY BAKER
HC 68 BOX 370
CLAYTON ID 83227

RE: Application for Transfer No. 69690 (Water Right Nos. 72-201E, 72-201A, 72-201H)

Dear Applicants:

Enclosed are copies of protests filed against the above referenced application. The Department suggests you contact the protestants directly to determine the exact nature of the protests and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department. If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-222, Idaho Code).

1. Will other water rights be injured by the proposed transfer?
2. Will the proposed change constitute an enlargement in the use of the original Right(s)?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed change be contrary to the conservation of water resources within the State of Idaho?

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Please note that it is illegal to divert water in Idaho without or not in compliance with a valid water right pursuant to Section 42-351, Idaho Code. Since your current water rights do not authorize the new point of diversion from Pine Creek I request your cooperation in not using the new diversion until this matter is resolved &/or approval granted from this agency.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

Enclosures

cc: Patrick Brown
Robert Foster, IDWR