



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 11, 2010

Frank Veenstra
2729A South 1600 East
Wendell, ID 83355

RE: App For Transfer 73740, V & L Dairy

Dear Mr. Veenstra;

We have received information from Brockway Engineering indicating that mitigation will be required in order for the Department to approve your application to provide water right for your dairy in Sec. 32 T. 7S R. 14E. This information was provided in November, but no mitigation plan has followed. Your application cannot be approved without a mitigation plan that provides an additional 30.6 acre feet of water above what is needed to operate the dairy.

A second problem with your application involves forfeiture of the water right being transferred due to non-use for the last five years at the recorded place of use. Using this water in the dairy could provide a defense to forfeiture, but we need evidence to show how much water has actually been used there. Records of cattle numbers, flow-meter data, or other relevant data needs to be submitted to this office so that we can properly evaluate this situation.

Please submit the required mitigation plan and water-use data by March 15 so that processing of your application can continue. If a proposed mitigation plan and the requested data are not received by that date, steps will be taken to reject your application; your filing fee will not be refunded. If you withdraw the application, your filing fee of \$250. will be refunded. But without an approved transfer or at least a pending application, you could be subject to a Notice of Violation from Water District 130 for operating a large dairy without sufficient water rights.

Regards,

James E. Stanton
Sr. Water Resource Agent

Cc: Greg Sullivan, Brockway Engineering