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DEPT. OF WATER RESOURCES
SOUTHERN REGION

November 19, 2009

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Re: Application for Transfers No. 73740-V&L Dairy c/o Frank Veenstra/36-16752

Dear Mr. Merritt:

Attached is an amendment to an Application for Transfer No. 73740 that was submitted to IDWR by Brockway Engineering in behalf of V&L Dairy and Frank Veenstra in April 2002. It is proposed to transfer 54.3 AFA of irrigation water from a POD T 07S R 14E Sec 23 SENE to a POD of T 07S R 14E Sec 32 SESE. It is proposed to transfer 54.3 AFA of water to stock and commercial water.

Based on the meeting in which Allen Merritt, Jim Stanton, Chuck Jr. Brockway and Greg Sullivan attended on 4/02/2009 it was agreed that the transfer can be processed. The following information was agreed upon at that meeting. The water right will not have a forfeiture issue due to the complex transfer history of the parent water right 36-2352. This transfer is based on 3.0 ac-ft/acre in accordance with the original transfer application. Analysis of the original transfer by the ESPA Model was not required, but is required for the amendment of the original transfer. Based upon the Transfer Processing No. 24 Memo dated January 21, 2009 and applying Checks 1, 2 and 3 it was determined by the ESPA Model that mitigation is required. Therefore a second transfer will be required to provide mitigation water. A water right to be used for mitigation purposes has not yet been identified.

There are no FSA records for the 18.1 acres and no irrigation has occurred on the 18.1 acres because the water has been used at the V&L Dairy since 2002 when the original irrigation to stock and commercial water transfer application was filed and accepted by IDWR. If the 18.1 acres would have been irrigated it would have been an expansion of the water right.

A Brockway Engineering LCO water usage worksheet was used to determine the 54.3 AFA of water that is required by the dairy.

CHARLES E.
BROCKWAY,
PH.D., P.E.

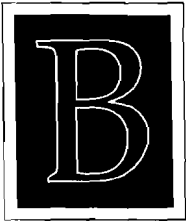
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This application is being submitted at the request of Jim Stanton of IDWR in an effort to help process this transfer application. It is expected that the water right to be used for mitigation purposes will be identified shortly. It is the understanding of Brockway Engineering and Mr. Veenstra that this application cannot be processed without the mitigation water right being identified and a second transfer application submitted fulfilling the mitigation requirements.

Sincerely,

Greg Sullivan E.I.T.

Cc: Frank Veenstra

Enc: Site Map of V&L Dairy

Narrative of Transfer

Brockway Engineering LCO

ESPA Model Analysis

Warranty Deed for Frank Veenstra

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