



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

June 19, 2009

V & L Dairy
ATTN: Annette
2675 S 1300 E
Hagerman, ID 83332

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RE: App For Transfer 73740; My Letter Dated 2-26-09

Dear Annette;

Nick Van Dyke of our Boise office asked me to contact you regarding the above-referenced application. I called this afternoon, but you were gone for the day, so I am writing to update my February letter. Please contact me directly with any future questions. The correct number for the untransferred groundwater irrigation right remaining on the original property is 36-16752. It covers 18.1 acres that have not already been converted to non-irrigation uses under approved transfers. This land is located between the highway and the Jack Verbree partial pivot. Although Mr. Veenstra does own this land, the water right appears to qualify for a finding of forfeiture for non-use; our aerial data shows the land as being occupied by corrals, etc., since at least 2004. It was in the same condition in 2006, with even more space occupied by buildings. The enclosed photo shows the land I am talking about. Mr. Veenstra can certainly try to base a transfer on this right, but it would not appear to be approvable with an acceptable defense to forfeiture.

I noticed that Mr. Veenstra owns land on the east side of the highway that is irrigated under Right 36-7274. Perhaps this right would be usable for this transfer. At least the place of use was still irrigated in 2004.

Regards,

A handwritten signature in cursive script that reads "Jim".

James E. Stanton
Sr. Water Resource Agent

Cc: Cindy Yenter