



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 4, 2010

Johnny Sudik
3332 N 3500 E
Kimberly, ID 83341

RE: App For Transfer 76097

Dear Mr. Sudik;

I have not been able to complete my initial review of this application due to the lack of hard data regarding the historic use of the irrigation wells that provide ground water to the Funk property being "dried up" in to provide water for your dairy. Without this data, it will not be possible to perform the required injury analysis needed to insure that other right holders are not injured by the proposed changes. Without sufficient data to perform the analysis, your application must be rejected as incomplete; your filing fee will NOT be refunded. I realize the this puts you in an awkward position, but the extreme supplemental nature of the right being transferred requires careful analysis in order to meet the criteria set forth in Sec. 42-222 of the Idaho Code. I was hoping that at least a portion of the right was the primary water source on some of the Funk property, but this is not the case.

Please submit the required data by February 3rd so that processing of your application can continue.

Regards,

James E. Stanton
Sr. Water Resource Agent

Cc: Jeff Peppersack, IDWR
Brian Higgs, Water Well Consulting