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July, 24, 2009

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DEPARTMENT OF
WATER RESOURCES

AUG 04 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Mr. Gary Spackman
Interim Director, IDWR
322 E Front St.
PO Box 83720
Boise, Idaho 83720-0098

RE: SUDIK DAIRY TRANSFER

Dear Mr. Spackman,

I have been contracted by Mr. John Sudik to file an application for the transfer of some ground water rights to his dairy. Due to the history of the apparent over-diversion on Mr. Sudik's dairy, I thought it best to inform you of the pending transfer and to receive your comments prior to furthering the application process. Mr. Rob Williams, Attorney at Law, has been apprised of the transfer and is involved as Mr. Sudik's counsel.

Mr. Darrell Funk has agreed to sell Mr. Sudik a portion of his ground water right, number 45-2320. The portion to be sold is approximately 35 acres in 11S 20E 14 NESE. There is proof in filings at the ASCS office that the ground has been producing alfalfa for the past 2 years and, therefore, qualifies at 3.19 feet per acre. The total amount transferred will be approximately 113 acre feet.

For your information, the two parties have agreed to exchange ground water for surface water. The surface water is shares from the Twin Falls Canal Company to be used to irrigate the ground where the ground water is being transferred. The ground is within the Twin Falls Canal Company boundaries.

Please provide your comments on this transfer and we will proceed to bring both parties into compliance.

Sincerely,

Brian Higgs, P.G.

Cc: Rob Williams
Darrell Funk
John Sudik