



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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April 7, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BLACKJACK RANCH
C/O DEAN MAHONEY
123 15TH AVE
LEWISTON ID 83501

RE: Application for Permit No. 45-14194 (Warthen)

Dear Protestant:

The Department acknowledges receipt of your protest against the approval of the above referenced application.

A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application. (Section 42-222, Idaho Code).

- Wrong criteria*
1. Will other water rights be injured by the proposed transfer?
 2. Will the proposed change constitute an enlargement in the use of the original right(s)?
 3. Will the proposed change conflict with the local public interest in the public water resource?
 4. Will the proposed change be contrary to conservation of water resources within the State of Idaho?
 5. For transfer applications proposing to divert water from one watershed or local area into another, will the proposed change adversely affect the local economy of the watershed or local area where the source of water originates?

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department. Rules 302 & 417 require that any written communication between parties be sent to **all parties in the case**.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://adm.idaho.gov/adminrules/rules/idapa37/0101.pdf>

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB