



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

October 20, 2009

GARY SPACKMAN
Interim Director

Box Canyon Dairy
PO Box 140
Wendell, ID 83355

RE: App For Transfer 66920

Dear Scott,

This letter is being written per instructions from our regional manager Allen Merritt regarding your concerns about the proposed forfeiture of a portion of Water Right 36-2535 under the proposed approval of your transfer. Of the 98 acres of irrigation currently allowed under this right, I am proposing that the right be reduced to 38.8 acres; the diversion rate and annual volume would be reduced accordingly. The forfeiture is proposed under the requirements of Sec. 42-222(2) of the Idaho Code, which states that all rights to the use of water shall be lost and forfeited by a failure to apply water to beneficial use for a term of 5 consecutive years. The filing of an application for transfer DOES NOT protect a water right from possible forfeiture.

A copy of the proposed transfer approval is enclosed for your information. If you wish to provide evidence why the document should not be approved as is, please do so by November 19. If you do not respond by then, the application will be moved forward for approval as currently proposed.

Regards,

James E. Stanton
Sr. Water Resource Agent