



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 15, 2009

Box Canyon Dairy
ATTN: Scott ~~Hogue~~ *Hogg*
PO Box 140
Wendell, ID 83355-0140

RE: App For Transfer 66920 & My Letter Dated 4-13-09

Dear Scott;

I have received your faxed 2007 Water Measurement Annual Report. While this shows that the well was used, it does NOT show that the land proposed to be dried up was actually irrigated. Cindy Yenter told me that Brian Higgs measures wells but does not verify where they are used. The land in the SW/SW Sec. 15 has been almost fully covered by a dairy for at least the last 5 years, and the land in the NW/NW Sec. 22 is unirrigated pasture that you do not even own, but these are the tracts that are proposed to be dried up. You told me in a previous conversation that the well serves the small pivot north of the dairy, but this tract (NW/SW Sec. 15) is not proposed to be dried up.

While the purpose of this transfer was to cover additional land irrigated in the pivot north of your main dairy, this should not currently be an issue according to Cindy. Water use in that well has been reduced so much that Cindy is not concerned about the size of the pivot. This could be an issue if we were to receive a complaint from another water user, but this has not happened so far. So not getting this transfer approved, either through denial by us or withdrawal by you, would not appear to be a problem for you at this time (giving you no legal advice, of course).

Let me know how you want to proceed.

Regards,

James E. Stanton
Sr. Water Resource Agent