



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

DAVID R. TUTHILL, JR.
Director

April 13, 2009

Box Canyon Dairy
PO Box 140
Wendell, ID 83355-0140

RE: App For Transfer 66920

Dear Sirs;

This application proposes to dry up land west of your main dairy in order to provide additional ground water for the 72-acre pivot just north of your main dairy. But the land proposed to be dried up has not been irrigated for more than 5 years, making the appurtenant water right subject to forfeiture. You were claiming that this land had been in a mitigation plan and therefore protected from forfeiture, but information from Water District 130 shows that no mitigation plan has involved the land under Water Right 36-2535. At this point, I must recommend that your application be denied and that this water right be declared forfeited. If the application is withdrawn prior to final action, no ruling of forfeiture will be made. If you have information supporting your contention that this right has not been forfeited, please submit it by May 13.

Regards,

James E. Stanton
Sr. Water Resource Agent