



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 10, 2003

**Downata Ranch & Recreation Co
2105 Coronado
Idaho Falls ID 83404**

**RE: Application for Transfer # 70645
Water Right No(s) 29-2293**

Dear Applicant:

Enclosed is a copy of a petition to intervene filed against the issuance of the above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code ' 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

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The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,


W Roger Warner
Water Rights Supervisor

Enclosure

WRW:sc

cc: IDWR - State Office



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Governor

KARL J. DREHER
Director

September 10, 2003

Egan Ranch LLC
1451 W Hawkins Rd
Arimo ID 83214

RE: Application for Transfer No. 70645

Dear Protestant:

Your petition to intervene against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the petition.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code ' 42-203):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the petition to intervene to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in blue ink that reads "W Roger Warner". The signature is fluid and cursive, with the first name "W" being a large, stylized initial.

**W Roger Warner
Water Rights Supervisor**

WRW::sc

cc: IDWR - State Office



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September 10, 2003

DIRK KEMPTHORNE
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KARL J. DREHER
Director

DOWNATA RANCH & RECREATION CO
2105 CORONADO ST
IDAHO FALLS ID 83406

RE: Application for Transfer No 70645
Water Right No(s) 29-2293

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest 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).

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?
4. Will the proposed change be contrary to the conservation of water resources within the State of Idaho?

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.

Sincerely,


W Roger Warner
Water Right Supervisor

Enclosure(s)

CC: State Office



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EASTERN REGION

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Governor

KARL J. DREHER
Director

September 10, 2003

LYNN S BASTIAN
16580 S MARSH VALLEY
ARIMO, ID 83214

RE: Application for Transfer No 70645
Water Right No(s) 29-2293

Dear Protestant(s):

The Department of Water Resources 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.

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W Roger Warner
Water Right Supervisor

CC: State Office



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September 10, 2003

CARL BARNES
3717 E BACK DOWNATA RD
DOWNEY, ID 83234

RE: Application for Transfer No 70645
Water Right No(s) 29-2293

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W Roger Warner
Water Right Supervisor

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September 10, 2003

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KARL J. DREHER
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CRIS G DAVIS
PO BOX 76
DOWNEY, ID 83234

RE: Application for Transfer No 70645
Water Right No(s) 29-2293

Dear Protestant(s):

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