



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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November 23, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

VISSER HOLSTEINS
450 E 3950 N
BUHL ID 83316

RE: Application for Transfer No. 73352 and Transfer No. 73353

Dear Applicants:

As you are aware, the Department has received protests against your pending applications as referenced above. According to our records, the protestants have provided you with a copy of their protest.

The Department suggests that you contact the protestants 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 protests 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 an 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 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 applications are considered as contested cases 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

Cc: Brockway Engineering