



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 25, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

DANA L. HOFSTETTER
HOFSTETTER LAW OFFICE
608 WEST FRANKLIN STREET
BOISE ID 83702

RE: Application for Transfer Nos. 73775, 73776

Dear Ms. Hofstetter,

I have received your letter dated April 22, 2009 in regards to the above mentioned transfer applications. I have reviewed the information you provided and believe that my questions raised in my June 26, 2008 letter have been addressed. Through further review I have come across information that may be of interest to you.

Enclosed with your April 22, 2009 letter was information obtained from the Owyhee County Assessor and a title company stating that the Applicant does own the property in question between the Grand View Irrigation District Canal and the Grand View Mutual Irrigation Canal. I have reviewed such and concluded the same. As you know there was uncertainty as to the place of use for Water Right No. 2-10201. Your April 22, 2009 letter indicated that Right No. 2-10201 should not extend to the Applicant's side of the canal. I have reviewed the decree for Right No. 2-10201 issued on June 15, 2009. A portion of the place of use **does reside north** of the Grand View Mutual Irrigation Canal, effectively making a portion of Right 2-10201 appurtenant to property owned by the Applicant. I have enclosed a copy of the decree and a map resulting from SRBA investigation. The acreage amounts north of the canal are highlighted on the decree.

I bring this to your attention as the decree issued was in the name of Triangle Dairy Inc, former owner of the ground. It appears the Applicant and David & Catherine Unruh each own a portion of Right No. 2-10201. Please contact me if you have any questions.

Respectfully,

Nicholas Van Dyke
Resource Agent
Water Allocation Bureau

Enclosure(s)