



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTIE

Governor

GARY SPACKMAN

Interim Director

July 28, 2009

Brockway Engineering PLLC
ATTN: Zach Latham
2016 N Washington St Suite 4
Twin Falls, ID 83301

RE: App For Transfer 75469, Thomas & Elizabeth Tierney

Dear Zach;

As we discussed, I am moving this application to the termination process. Transfer Processing Memo #24, dated 1-21-2009, states that a transfer is not required when the "mitigation" is based on non-use of the existing water right (see Sec. 2, Page 7). If it is determined that mitigation is required in order for the Tierney application for permit (71-10923) to be approved, their existing groundwater right will be modified as part of the approval process. I may recommend that the parameters of their irrigation right be reduced proportionally due to their permanently taking 1.2 acres of land out of production, just to keep the books clean, but they would obviously have 5 years of non-use of this land before forfeiture would be an issue. I will have to see what Boise thinks about this, and would not argue the point if they feel that the reduction is unnecessary at this time. I will initiate a refund of the filing fee of \$100.

Regards,

James E. Stanton
Sr. Water Resource Agent