



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 14, 2009

ATTENTION HELEN HARRINGTON
ID WATER RESOURCE BOARD
PO BOX 83720
BOISE, ID 83720

RE: Applications for Transfer No. 75341 (Sinnott) and Transfer No. 75342 (Breck Trust)

Dear Protestants:

The Department acknowledges receipt of your protest against the approval of the above referenced applications.

A copy of your protests have been sent to the applicants. The Department suggests that you contact the applicants directly for details regarding the applications and, if possible, to resolve the matters 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 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 application is considered a contested case 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

Enclosure