



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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April 2, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Transfer 73570, Right 37-33 Kammer
Remanded by District Court to IDWR

Dear Jim,

Transfer 73570 was remanded back to IDWR by the District Court 02-08-2008 to resolve the issue of rate per acre under pressurized irrigation system described in the conditions of the approval.

Shelley Keen contacted you to discuss a plan to address this issue on 02-14-2008, and you agreed to provide a report from Dr. Charles Brockway supporting a greater diversion rate per acre for the Department to consider. Shelley contacted you again on 08-02-2008 to request the status of the report and you replied that you were working with Dr. Brockway. I contacted you by email on 02-07-2009 to request the report or a timeline for submittal. You replied that you would contact us as soon as you had received the information from Dr. Brockway.

This matter was remanded back to IDWR by the court more than a year ago, and we are no closer to resolving the issue. Please provide the agreed upon report from Dr. Brockway or his firm, any other information you would like the Department to consider, or advise us of how you intend to resolve this matter in the next 30 days.

Please be advised that until such time as the matter is resolved, use under Right 37-33 should not exceed the authorized limits described in Amended Transfer Approval 73570 issued on 10-22-2007.

If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail, and I will be happy to assist you.

Sincerely,

Pamela S. Skaggs
Water Rights Supervisor

Cc: LOWREY & TAMI KAMMER
398 BROADFORD RD
BELLEVUE ID 83313