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DEPARTMENT OF
WATER RESOURCES

April 23, 2007

Idaho Department of Water Resources
Southern Region Manager
Allen Merritt
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Water Transfer/Big Sky Farms, Jerome, Idaho

Dear Mr. Merritt,

In the matter of the Big Sky Farms application for a water transfer I would like to submit this letter as a letter of complaint against Big Sky Farms and their attorney, Robert Williams. I would ask the Department of Water Resource to dismiss their application and require a new application be filed and all laws and rules that apply be followed.

The first reason would be the fact that the publication in the paper was incorrect and misleading. The applicant is claiming that this transfer is for an enlargement of a current feedlot. While the applicant may have stock water rights he has not used them for at least 10 years and the fact that he is claiming that there is an existing feedlot on the farm is not true. Backed by the fact that he doesn't have a CAFO permit for this ground. In response to the letter I previously submitted to the Department stating that I had protested the transfer so my rights would not be violated. This maybe true about my rights but how many other people would be opposed to a new feedlot that are not opposed to an expansion. The answer to this question is self explanatory because that is exactly why the applicant wanted it published that way.

Second, the Department of Water Resources says that the applicant should contact all protestants and try to work out the problems BEFORE the preliminary hearing. The applicant made no such effort to contact any of the protestants and therefore did not follow the proper procedures basically ignoring any direction from the Water Resources.

Third, when the Department held the pre-hearing the applicant's lawyer said they were unwilling to compromise and that they should just set a hearing date. Mr. Williams then gave dates that they would be available. When I asked you, Mr. Merritt, some questions about the process Mr. Williams very rudely said I should get a lawyer. This goes against the very spirit of the law and rules the Department has in place to handle these procedures and this should not be allowed no matter how many times Mr. Williams has been involved in these types of hearings. Just because he has transferred water before does not give him the right to direct the proceedings. Mr. Williams claims his actions are "perfectly legal". This may or may not be true but that does not make his actions ethical and raises cause for concern.

It is the Department's job and duty to protect the PUBLIC waters and no one should be allowed to bypass the full process just because they are unwilling to compromise and feel they can manipulate the Department's procedures. With the lack of water

management in the Snake River Plain we should not have any new transfers rushed forward for personal gain especially at the public expense.

The water master quickly reviewed the application and states that forfeiture does not appear to be an issue. The water master needs to review the facts and water history in-depth and they will find forfeiture is an issue.

Governor Otter just appointed a new director. This is probably the hardest job in Idaho. Transfers, such as this, must be stopped until the director can get a handle on the water situation and set up a transfer process that will protect the PUBLIC water. This transfer goes against the very reason the water summit was set up.

In conclusion, this application process has been tainted from the beginning. It has been full of misinformation by both the applicant and the Department. The applicant has displayed a blatant disregard for the direction of the Water Resource and the rights of the protestants. It needs to be halted before more mistakes are made and the process needs to be started over and done correctly.

Sincerely,

Dean and Eden Dimond

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Cc: IDWR Director David Tuthill
Governor C.L. "Butch" Otter