

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

FEB 22 2008

DEPARTMENT OF
WATER RESOURCES

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Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Benjamin C. Ritchie
Rebecca A. Rainey
Nathan R. Starnes
Andrew J. Snook

Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

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February 20, 2008

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Dan Nelson
Idaho Department of Water Resources
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098

Re: DeRuyter Dairy Transfer Application
MTBR&F File No. 23167.0

Dear Dan:

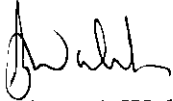
I am writing in response to your correspondence addressed to Scott Campbell, dated February 14, 2008, regarding the DeRuyter Dairy Application for Transfer (copy enclosed), and in follow up of our telephone conversation earlier this morning. As we discussed, previous communications between you and Darwin VanderStelt confirmed your belief that the currently unsigned Application for Transfer ("Application") is, in fact, an updated and amended Application submitted by Mr. VanderStelt on behalf of the DeRuyter Dairy. As such, the yet unsigned Application is the Application that the Idaho Department of Water Resources ("Department") should process. It is my understanding from Mr. VanderStelt, and confirmed by you via telephone this morning, that in order to process the Application, the Department needs the Application to be signed and notarized. To that end, I have forwarded the signature/notarization page on to Mr. DeRuyter for his signature and notarization. Once I receive the original signature page, I will attach it to the copy of the Application that you provided to me under a cover letter stating that the enclosed Application is the document intended for processing.

If my understanding of any of the foregoing is in error, I ask that you please inform me of such in writing as soon as practicable.

Dan Nelson
February 20, 2008
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Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'A. Waldera', with a stylized, cursive script.

Andrew J. Waldera

AJW/dll

Enclosure

cc: Nicolaas DeRuyter



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

February 14, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Moffatt, Thomas, Barrett, Rock, & Fields Chtd.
Attn: Scott Campbell
PO Box 829
Boise, ID 83701-0829

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FEB 19 2008

MOFFATT, THOMAS, BARRETT,
ROCK & FIELDS, CHTD

RE: DeRuyter Dairy Application for Transfer

Dear Mr. Campbell:

On January 4, 2008, I wrote you a letter requesting clarification of the transfer application for DeRuyter Dairy on water rights 57-2335, 57-7047, and 57-2292. The purpose of the January 4, 2008 letter was to request clarification of the two transfer application forms that have been placed in the DeRuyter transfer file. The forms appear to be an original transfer application and an amended transfer application. The possible amended transfer application has not been signed.

As you are aware, I have taken over processing of the transfer application, and have been going through another agent's notes. In my review of the notes, it appears as though the possible amended transfer is the actual document that has been reviewed by previous water right agent.

Unfortunately, the second transfer application does not have an amended designation on it, and it is not signed by the applicant. Therefore, I cannot proceed until this issue is clarified. You have contacted the Department requesting that this transfer be advertised as soon as possible, but advertising cannot proceed until we know which application to advertise.

In my January 4, 2008, letter I did not include the standard language requesting 30 days to provide the needed information. Due the effort you put forth to move this application forward, I did not feel it was necessary at that time. However, it is has been over 30 days since my earlier letter was sent to you without a response. I have tried several times to contact you by telephone, and none of my telephone calls have been returned. Therefore, I must make a formal request to have this information addressed.

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DeRuyter
2/14/2008

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information, must be received by 3/14/2007. IDWR will issue a preliminary order to reject or deny the application without a timely reply.

If you have any questions or concerns please contact me at 287-4918 or at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", followed by a horizontal line.

Daniel A. Nelson
Sr. Water Right Agent