



## 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](http://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

### ***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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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 long horizontal line.

Daniel A. Nelson  
Sr. Water Right Agent