



State of Idaho

DEPARTMENT OF WATER RESOURCES

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January 4, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

MOFFATT THOMAS BARRETT ROCK \$ FIELDS CHTD
ATTN SCOTT L CAMPBELL
PO BOX 829
BOISE ID 83701-0829

RE: DE RUYTER DAIRY APPLICATION FOR TRANSFER

Dear Mr. Campbell:

Our State Office administrative staff received your 12/14/2007 letter concerning the De Ruyter Dairy transfer application. They reviewed your arguments and agreed to proceed with processing of the application without the Owyhee County CAFO process being completed.

I have been asked to resume the review of the application submitted to the department. During our meeting concerning this application on 12/10/2007, I informed you that I had only reviewed the application enough to determine why it was being held. I also informed you that there were two application forms in the file. One of these forms was signed and marked "Original" The second application was unsigned and unmarked. If I remember correctly, I made you copies of these applications.

During my initial review of the information, I have found a draft transfer memo written by Ms. Graves, who did the initial review of the application. The draft memo discusses the information on the unsigned transfer application. This leads me to believe that the unsigned application was actually an amended version of the original transfer application. The applicant's consultant, Darwin Vanderstelt, has made it his practice to re-work an application, and then submit them to our office unsigned. Mr. Vanderstelt would then have his clients come into our office to sign the amended application and pay any necessary application fees at their convenience. I am assuming that this is the case with the unidentified and unsigned application.

Whereas the De Ruyter's have retained you as their attorney, I am bound by department policy to make all requests for information and/or clarifications through your office. This letter is to make a formal request for a meeting with Mr. Vanderstelt and/or yourself to review these two forms and determine if the additional application is in fact an amended application.

Please contact me at the above address to set a meeting to go over the application to determine what will need to be done.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent