



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 12, 2007

Duane & Monarae Whipple
2994 W 2400 N
Arco ID 83213

RE: Applications for Transfer #72488 – for City of Arco

Dear Mr. & Mrs. Whipple:

Your petition to intervene against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the petition.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code ' 42-203):

- 1. Will the proposed use reduce the quantity of water under existing rights?**
- 2. Is the proposed water supply insufficient for the purpose intended?**
- 3. Is the application made in good faith or for delay or speculative purposes?**
- 4. Has the applicant sufficient financial resources with which to complete the project?**
- 5. Will the proposed use under this permit conflict with the local public interest?**
- 6. Is the proposed use contrary to conservation of water resources within the State of Idaho?**

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The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the petition to intervene to the applicant in question.

If this office can be of further assistance, please contact us.

Sincerely,

**Sharla Cox
Administrative Assistant**