



City of **Blackfoot**
IDAHO

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December 19, 2006

Karl Dreher, Director
State of Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Fax (208) 287-6700

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Department of Water Resources
Eastern Region

Dear Mr. Dreher:

We believe that the conditions drafted by IDWR for Application for Transfer No. 72385 are consistent with the agreement reached by all parties in our meeting in June 2006, and, therefore, we do not believe that additional conditions or changes are warranted. Nevertheless, the Department has received a response from Travis Thompson on behalf of the surface water coalition recommending some changes. We have received a copy of that letter dated December 15, 2006, in which he raised some concerns about the conditions of approval. His proposed new changes are not consistent with our June agreement. Items that protestors may legitimately raise in a protest are limited to enlargement or expansion of a water right, injury to other rights, and/ or local public interest. Clearly none of these are factors in the changes now being recommended by the coalition. We believe it is critical that the Department act on this transfer before the end of 2006 and we ask that the Director simply sign the transfer with the proposed conditions as originally drafted by IDWR as soon as possible.

If you have any questions, please feel free to call me at 208-760-0850, or Ginette Manwaring at 208-681-6266.

Sincerely,

Daniel R. Acevedo, City Attorney

Cc: Pamela Skaggs
Jerry Rigby
Travis Thompson
Roger Warner