



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

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SOUTHERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

12/1/2006

Dean Dimond
1454 Hwy 25
Jerome, ID 83338

RE: Protested Transfer No. 72435

Dear Mr. Dimond:

I have received your recent letter in which you raise the issue of the wording of the notice and whether sufficient notice has been provided for Transfer 72435. I have reviewed the file and discussed the matter with IDWR staff at our state office.

As you know the wording of the notice is as follows:

Notice is hereby given that an Application for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Jerome County. Application No. 72435 was filed on 2/16/06 and corrected on 7/14/2006 by BIG SKY FARMS LTD PARTNERSHIP, PO BOX 5178; TWIN FALLS ID 83303-5178. This application proposes to dry up irrigated land to provide water for a major expansion of two existing feedlots on the same farm. Two new wells will be drilled and tied into the 3 existing wells. The feedlot will be located on the north side of Hwy. 25 just west of the junction with Hunt Road (about 7 road miles NW of Eden). For specific details regarding an application, please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.idaho.gov with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before December 4, 2006. The protestant must also send a copy of the protest to the applicant.

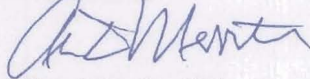
Karl J. Dreher, Director

As you may know the transfer proposes to dry up acres of one irrigation water right and convert the irrigation water to stockwater and commercial use at a feedlot and tie two existing decreed water rights for domestic/stockwater rights into the same system. The first domestic/stockwater right (36-15057) provides up to 13,000 gpd for up to 1000 beef stock and the second domestic/stockwater right (36-15056) provides up to 13,000 gpd for up to 565 cattle or 3400 sheep.

You question the wording highlighted in yellow and question whether proper notice has been provided sufficient to notify interested individuals. You request that the advertisement be published again. In considering your request for re-publication the Department has considered the words highlighted in blue in the advertisement. We have also considered that four protests of interested parties have thus far been filed against the application including the one you have filed.

Since the domestic/stockwater rights as exist at the site provide for watering of a relatively large numbers of animals it does not appear to be unfair to characterize this use as a small feedlot. The notice did indicated that it was going to be a "**major**" expansion of a feedlot and opportunity was provided to review the application in detail. It does not appear that your rights as a party have been prejudiced and sufficient notice has been provided so it has been determined that the Department will not re-publish the notice as you request. However, the Department will consider requests for intervention in this contested case from parties that may feel the notice was not sufficient.

Respectfully,



Allen Merritt, PE
Southern Region Manager

CC: Gary Spackman, IDWR
Big Sky Farms