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August 9, 2006

RECEIVED

AUG 10 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: **Transfer No. 69553 of
Lavel D. Stoker, Wendy W. Stoker, Brent Stoker and Marla J. Stoker**

Dear Mr. Merritt:

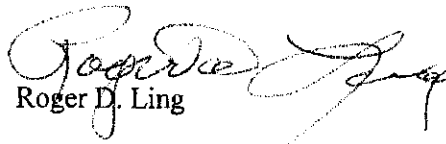
As previously indicated to you, Robert Darrington and Shane Darrington, who hold groundwater rights in the vicinity of the proposed point of diversion sought to be obtained in Transfer No. 69553, are opposed to and protest any extension of the deadline granted in the first extension for the completion of the new point of diversion. It is the belief of the Darringtons that this transfer to a new point of diversion will injure the water rights of the Darringtons, as the point of diversion is in the close proximity to their wells and the groundwater supply in this area is critical. Objection and protest are further made to any extension requested in the letter of August 8, 2006 of the Stokers, for the above reasons and for the further reason that the Stokers are seeking to increase the rate of diversion at the new point of diversion under Water Right No. 45-7045, which would require new notice to all persons whose water rights could be injured by the application for transfer. The original transfer was limited by the contract with Burley Irrigation District in regard to the amount of water that would be diverted from the new point of diversion into the Burley Irrigation District J Canal. An attempt to change the transfer application to allow the Stokers to pump the entire diversion authorized by Water Right No. 45-7045 will substantially increase the injury to the protestants' water rights.

For these reasons, we object to and protest the application for extension of the completion date under the transfer application approved in Transfer No. 69553 and the first extension previously granted. It is respectfully submitted that, in the event the new purpose and extent of the change in point of diversion is sought by the Stokers, a new application should be filed so that those persons holding water rights that may be injured can have the opportunity to protest such transfer. We are particularly concerned with any effort by anyone, including the Stokers, to obtain a change in the point of diversion on the pretext that a limited amount of water will be diverted at that point and to then arbitrarily and unilaterally change the extent to which water will be diverted at the new point of diversion, without

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notice to parties holding water rights that could be injured by the substantial enlargement of diversion at the proposed new point of diversion.

Very truly yours,


Roger D. Ling

RDL:jb

pc: Mr. Paul L. Arrington
Mr. Robert Darrington
Mr. Shane Darrington