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August 3, 2006

RECEIVED
AUG 04 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**
Change in Points of Diversion by Addition of a New Point of
Diversion for Water Right No. 45-7045 in the Name of Lavel D.
Stoker, Wendy W. Stoker, Brent Stoker and Marla J. Stoker

Dear Allen:

The above referred to Transfer No. 69553 was approved on August 1, 2002 which allowed for a change in the point of diversion by adding a new point of diversion to the three listed in Water Right No. 45-7045. The Transfer Application was based upon a plan by which the new well would be drilled and water diverted from the well into the J Canal of Burley Irrigation District in exchange for water taken from the J Canal by the then-water-right-owner Mitsuo Inouye. Stokers are the present owners of Water Right No. 45-7045. Conditions of approval for Transfer No. 69553 included a condition that the right holder shall accomplish the change authorized by the transfer within one year of the date of the approval (August 1, 2002), the transfer is subject to agreement with Burley Irrigation District which limits the diversion from the new point of diversion to 170 inches to be diverted into the Burley Irrigation District J Canal, and failure of the right holder to comply with these conditions of the transfer shall constitute cause for the Director to rescind approval of the transfer.

The time authorized to accomplish the change authorized by the transfer was extended by the Department on July 28, 2003 to August 1, 2006. To this date, there has been no effort to develop a new point of diversion and there has been no effort to satisfy the purpose of the transfer, which was to allow water to be diverted under this water right in exchange with Burley Irrigation District. The new point of diversion authorized by the transfer is in the immediate vicinity of three wells of Robert Darrington and Shane Darrington, which are just north and east of the new diversion point described in the transfer. The water table in this area has dropped significantly, and the water rights of the Darringtons could be seriously affected should the well in the new diversion allowed by the transfer be drilled and used.

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For the above reasons, it is urged by Robert Darrington and Shane Darrington that the Department rescind the approval of Transfer No. 69553.

Very truly yours,


Roger D. Ling

RDL:jb

pc: Mr. Robert Darrington
Mr. Shane Darrington