



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 5, 2005

J7 LLC
C/O JEFF JOHNSON
1990 N 4000 W
DAYTON ID 83232

RE: Application for Permit No. 13-7649

Dear Mr. Johnson:

Thank you for your letter and the crop reports to confirm that you have historically irrigated both your proposed place of use for Application for Permit No. 13-7649 and the place of use for the water right proposed for mitigation. The information you provided is helpful for determining the intent of your application.

Before IDWR can finish reviewing your application, additional documentation is necessary to address some of the concerns described in my April 13, 2005, letter to you. Please provide the following:

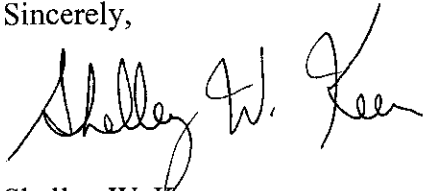
- A Notice of Change of Water Right Ownership with the supporting documentation and fee for Water Right 13-2164. The water right is still in the name of Carl Mortensen. The ownership change notice is necessary to demonstrate that you own the mitigation right and can use it as such. If you are not the owner of Water Right 13-2164, then please remind the current owner that a Notice of Change of Water Right Ownership is required pursuant to Idaho Code § 42-248. In addition, please provide documentation showing that the owner of the water right authorizes you to mitigate with it and that the record can be modified to show that the right is for mitigation, not irrigation.
- Evidence that Right 13-2164 has not been abandoned or forfeited. This evidence should show the maximum extent of beneficial use within the last five years. This information is necessary because the crop reports you submitted show that the place of use for Right 13-2164 was irrigated, but they do not indicate the source of irrigation water. IDWR needs confirmation that the place of use for Right 13-2164 was irrigated with water diverted from that source and not from some other source, such as water delivered by a canal company. This information can be provided in the form of affidavits, if needed.

Please submit the required documentation within 30 days. If IDWR does not receive your response during that time period, it will be assumed that you no longer have an interest in your application, and it will be voided. IDWR can grant more time if you request it in writing.

J7 LLC
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If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, reading "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen
Water Rights Supervisor