



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 22, 2002

Mark DeKruyf
c/o DeKruyfs Dairy's
303 W 300 S
Jerome, Idaho 83338

RE: WATER RIGHT NOS. 36-02474B and 36-10082B IN THE NAME OF CALVIN DEKRUYF AND MARK DEKRUYF

Dear Mr. DeKruyf:

I have reviewed your letter dated October 13, 2002 in which you request a change in the condition of transfer approval that required accomplishment of the transfer on or before November 30, 2003. I assume your request is for the purpose of countering future allegations of forfeiture by third parties that the rights have been forfeited through 5 consecutive years of non-use. If this is the case, I suggest you offer to place the water rights in the Water Supply Bank ("bank") operated by the Water Resource Board until such time as you are ready to use the water authorized under the transfer. One of the benefits of placing a water right in the bank is that while a water right is in the bank, forfeiture provisions are stayed. Enclosed is an application to place a water right into the bank.

If you do not choose to put the rights in the bank, the department is willing to issue an extension, but such an extension will not stay the accumulation of the 5-year period of non-use that could initiate allegations of forfeiture due to non-use.

If you have questions, please feel free to contact me or our Southern Regional Office in Twin Falls (phone no. 736-3033).

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

c: IDWR - S. Region