



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2004

F JAMES WHITTAKER
PAULA J WHITTAKER
TWO DOT RANCH
PO BOX 240
LEADORE ID 83464

Re: Application for Transfer No. 71080 – Water Right Nos. 74-56 and 74-1103

Dear Applicants:

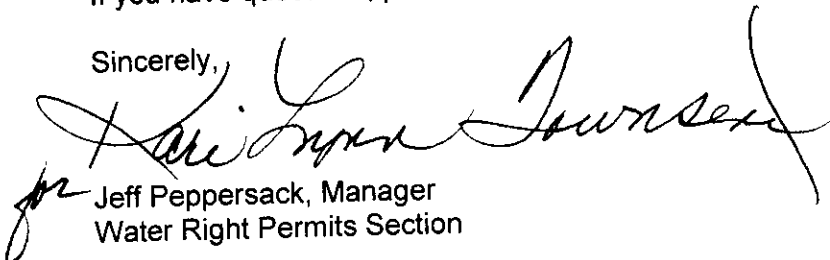
The Department of Water Resources is currently reviewing your application for transfer of water rights. After preliminary review of the application, some concerns were identified regarding enlargement and injury issues that may result from your proposed changes. Additional information will be required to support or clarify your application.

As you know, Transfer No. 5244 was filed in 1998 for changes similar to the changes proposed under the pending transfer. Transfer No. 5244 was denied because the use of water as proposed would increase consumptive use, would decrease return flows to Big Timber Creek, and would injure other water rights on Big Timber Creek. Under Section 42-222, *Idaho Code*, a water right transfer cannot be approved if the changes will result in enlargement or injury. Please provide information to demonstrate that enlargement or injury will not occur due to the proposed changes.

The Department will hold further processing of this application for **30 days** to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have questions, please feel free to contact the department.

Sincerely,



for Jeff Peppersack, Manager
Water Right Permits Section

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