



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 25, 2001

AMY D. CHESTNUT
BARKER ROSHOLT & SIMPSON LLP
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: Thirteen (13) Applications for Transfer on portions of Water Right No. 36-2676

Nunes Brothers Dairy, T# 69344
Ron Hulme, T# 69270 & T# 69306
C & G Dairy (Griffith/Giltner), T#69357
D & B Tree Farm, T# 69336
Tim Andresen, T# 69200
Riverview Dairy, T# 69373

B & B Calf Ranch, T# 69354
Howard & Rhonda Morris, T# 69339
Ellis & Beatrice Gooch, T# 69348
Theodore Baar, T# 69358
Vanderham Dairy, T# 69267
Jose & Maria Borba, T# 69149

Dear Ms. Chesnut:

This office acknowledges receipt of the protests filed on behalf of your client, Clear Springs Foods, Inc. against the approval of the above referenced applications. A copy has been sent to the applicants with the suggestion that each one contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

Please note that each application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

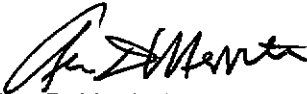
If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-222, Idaho Code).

1. Will other water rights be injured by the proposed transfer?
2. Will the proposed change constitute an enlargement in the use of the original Right(s)?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed change be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place for the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,



Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

cc:

DEL KOHTZ
1135 VALLEY RD SOUTH
EDEN ID 83325