



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 2, 2004

U.S. DEPARTMENT OF THE INTERIOR
KATHLEEN MARION CARR, ATTORNEY
OFFICE OF THE FIELD SOLICITOR
550 WEST FORT ST, MSC-020
BOISE, ID 83724

E GAIL MCGARRY, PN-3100
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706

RE: Amended application for Transfer 69903, New Sweden Irrigation District

Dear Protestant(s):

The protest against the approval of the above referenced application was received on June 17, 2002. The protest was for the un-adjudicated claims 1-2064L, 1-2068M, and 1-10043E as related to claims of the United States, Bureau of Reclamation. A copy of the protest was sent to the New Sweden Irrigation District.

In order to resolve the protest the New Sweden Irrigation District has submitted an amended application for transfer for water right 1-320. A copy of the amended application is included for review by the Bureau of Reclamation. The amended application for transfer does not include claims 1-2064L, 1-2068M, 1-10043E, and appears to address the issues set forth in the protest.

Once the protest is resolved, the department will prepare final recommendations that include any necessary modifications per resolution of the protest, and will then be able to re-advertise the amended application. Condition T09, "Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication", will be required by the department. The withdrawal of the protest for the original transfer application will not preclude Reclamation's opportunity to protest the re-advertised amended transfer.

Please notify the department on or before March 1, 2004, whether or not the Bureau of Reclamation will withdraw the protest to the amended transfer application. The Department will hold further processing of the amended transfer application until a written response has been received.

Thank you,

Keith C. Wilson
Senior Resource Agent