



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

**Western Region, 2735 Airport Way, Boise, Idaho 83705-5082**

**PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)**

**C.L. "BUTCH" OTTER, Governor  
DAVID R. TUTHILL, JR., Director**

February 25, 2009

IDAHO WATER CO  
C/O ZACH LATHAM  
BROCKWAY ENGINEERING PLLC  
2016 N WASHINGTON ST STE 4  
TWIN FALLS ID 83301

Re: Application for Transfer No. 73811

Dear Zach:

Thank you for the corrected page listing the proposed points of diversion for this application. Legal notices will be published in the last half of March.

Department evaluation of the application will continue once the additional information requested in my November 5, 2008 letter is provided. Also, please include your response to the following item in your reply to the prior request for information.

The application proposes wells in 26 tracts. This presumably means 26 wells will be drilled and used. A transfer approval typically includes 1 year from the date of approval for the proposed beneficial use to occur. An approval can be extended to two years if requested in the application. Show how it is feasible to construct and use 26 wells to accomplish the irrigation within 1 or 2 years. If a lesser maximum number of wells is proposed but within a "permissible point of diversion" plan, identify the maximum number of wells and show how that number of diversions can be put into use within the short time period already noted. The applicant should request a 2 year development period if that is preferred.

This information and the information previously requested are due **August 1, 2009**.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Steve Lester". The signature is written in a cursive, flowing style.

Steve Lester  
Water Rights Supervisor

## **MEMORANDUM**

TO: Transfer Application 73811

FROM: Steve Lester 

DATE: February 24, 2009

RE: Bernard Brown Address Change

---

Bernard Brown filed an address change for "61-2154, 61-12102 and 61-12103" on 12/15/08. The change updates his address in Mtn. Home.

Transfer 73811 involves 61-2154 and 5 other irrigation rights. The rights will be split for the applicant, Idaho Water Company. Brown will retain portions of all six rights.

The transfer had abbreviated data entry to issue an application number. Department protocol included using only one right number to generate the application number. The split box was checked in that process, generating new numbers 61-12102 and 61-12103. Those new numbers are not active records yet.

A Query for active wr/aj records in the name of Bernard Brown for Basin 61 resulted in the rights listed in the transfer plus a domestic right not involved with the transfer, 61-7232. A Query of the contact table listed two contacts for Bernard L. Brown in Mtn. Home. Both addresses are different than the new one Brown submitted.

I think we can conclude that Brown intended to provide his current address for the rights in the transfer, not just for 61-2154. Furthermore, it is reasonable to update our contact table for all department records for him.

See attached supporting information.

**Proposed action: delete one contact table entry for Brown. Update the other one to show the current address in the 12/15/08 address change form. This can be done while completing data entry for Transfer 73811. Address for right 61-7232 can also be updated as a separate action independent of the transfer. The contact table information can show this change is attributed to the address change submitted for the transfer application.**

For Office Use Only  
Updated by \_\_\_\_\_  
Date \_\_\_\_\_

STATE OF ID.  
DEPARTMENT OF WATER

*Complete before* →

**CHANGE IN ADDRESS**

*SCANNED*

This form can be used to notify the Department of Water of a change in the address of the owners of record for a water right.  
(Please print or type)

RECEIVED

DEC 15 2008

WATER RESOURCES  
WESTERN REGION

[ ] Water Right Number(s): 6-2154  
61-12102, 61-12103

[ ] Name(s): Bernard L Brown

[ ] Old Mailing Address: 6379 SW Division Rd  
Mtn Home Idaho  
83647

[ ] New Mailing Address: 655 E 19th N  
Mtn Home Idaho  
83647

Telephone Number: ( ) \_\_\_\_\_ - \_\_\_\_\_

Email: \_\_\_\_\_

[ ] Signature(s) of Owner(s) B L Brown

owner  
(Include your title if on behalf of company or organization)

Date: 12-12-08

Send a signed original to your closest regional office:

**IDWR Northern Region**  
7600 Mineral Dr., Suite 100  
Coeur d'Alene, ID 83815  
(208) 762-2800

**IDWR Western Region**  
2735 Airport Way  
Boise, ID 83705-5082  
(208) 334-2190

**IDWR Eastern Region**  
900 N. Skyline Dr., Suite A  
Idaho Falls, ID 83402-1718  
(208) 525-7161

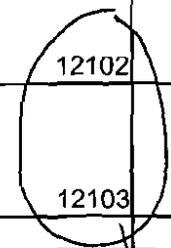
**IDWR Southern Region**  
1341 Fillmore St., Suite 200  
Twin Falls, ID 83301-3380  
(208) 736-3033

Query: All Active wr/Aj Records  
 P5 61, BERNARD BROWN

Basin	Sequence	Basis	Status	Water Use(s)	Source Table	Source Table	App.ID
61	2154	Decreed	Active	IRRIGATION	BROWN, BERNARD L (Current)	wrWaterRight	
61	2155	Decreed	Active	IRRIGATION	BROWN, BERNARD L (Current)	wrWaterRight	
61	7005	Decreed	Active	IRRIGATION	BROWN, BERNARD L (Current)	wrWaterRight	
61	7119	License	Active	IRRIGATION	BROWN, BERNARD L (Current); BROWN, NORMA JEAN (Current)	wrWaterRight	
61	7232	Decreed	Active	DOMESTIC	BROWN, BERNARD L (Current)	wrWaterRight	
61	7396	Decreed	Active	IRRIGATION	BROWN, BERNARD L (Current)	wrWaterRight	
61	10378	Decreed	Active	IRRIGATION	BROWN, BERNARD L (Current)	wrWaterRight	
61	2154		Active - INCOMPLETE ENTRY	IRRIGATION		xrFromWaterRightList	73811
61	12102		Active - INCOMPLETE ENTRY	IRRIGATION		xrToWaterRightList	73811
61	12103		Active - INCOMPLETE ENTRY	IRRIGATION		xrToWaterRightList	73811

} all in T. 73811  
 Except 61-7232

} Abbreviated d'entry to issue transfer #



NOT actual active records yet

# Contact Information

Last Name BROWN  
First name BERNARD L  
Street Address 6379 SW DIVISION RD  
City MOUNTAIN HOME  
State ID  
ZIP 83647  
Home Phone (208)631-2965  
Date Changed 11/21/2007  
User Name dlball  
Reason Change of Address  
Location W9

#1 of 2

Owner/Operator for WC Application ID = 822328, Owner/Operator for WC Application ID = 860568, Owner/Operator for WC Permit ID = 721955, Owner/Operator for WC Permit ID = 763212, Owner/Operator for WC Well ID = 306485, Owner/Operator for WC Well ID = 335208, Owner/Operator for WC Well ID = 383654, Owner/Operator for WC Well ID = 394010, Owner/Operator for WC Well ID = 401826,

Close

# Contact Information

Last Name    BROWN  
First name    BERNARD L  
Street Address 655 N 10TH E  
City            MOUNTAIN HOME  
State          ID  
ZIP            83647

#272

Water Application 61-7005 , Water Permit 61-7005 ,

Close



# Fax Transmittal

(208) 736-8543

Fax (208) 736-8506

2016 North Washington Street, Suite 4  
Twin Falls, Idaho 83301

<b>To:</b> Steve Lester	<b>Fax Number:</b> 208-334-2348
<b>From:</b> Zach Latham	<b># pages (incl. cover):</b> 2
<b>Cc:</b>	<b>Date:</b> 2/24/09
<b>Re:</b> Corrected POD Locations- Idaho Water Company	

Urgent
  For Review
  Please Comment
  Please Reply

**Comments:**

Steve-

I am responding to your email to me this morning by attaching a sheet listing the corrected POD's (correct Range- 04E) for the Idaho Water Company Transfer. Thank you for the notification and correspondence. Please don't hesitate to contact me with any further comments or questions. We look forward to hearing from you in the near future regarding this transfer applications progress.

*Zach*

Zach Latham

If all pages are not received, please call (208) 736-8543 or email [sandi.doneff@brockwayeng.com](mailto:sandi.doneff@brockwayeng.com)

## Lester, Steve

---

**From:** Lester, Steve  
**Sent:** Tuesday, February 24, 2009 8:05 AM  
**To:** 'Zach Latham (zach.latham@brockwayeng.com)'  
**Subject:** Idaho Water Company Transfer 73811

**Contacts:** Zach Latham

Hi Zach:

I've been looking over the transfer so we can run legal notices. There is one update I need to do that.

The 9/8/08 amended application lists the proposed well sites on a separate page. The range is shown as 14E instead of 4E. Please fax a replacement page for that with the correct range for each well site. Just the 1 replacement page will be fine. I need that by March 9.

Thanks.

Steve



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

**Western Region, 2735 Airport Way, Boise, Idaho 83705-5082**

**PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)**

---

C.L. "BUTCH" OTTER, Governor  
DAVID R. TUTHILL, JR., Director

February 10, 2009

IDAHO WATER CO  
C/O ZACH LATHAM  
BROCKWAY ENGINEERING PLLC  
2016 N WASHINGTON ST STE 4  
TWIN FALLS ID 83301

Re: Application for Transfer No. 73811

Dear Zach:

Additional guidance in processing this application has been provided by the department administration. Legal notice for the application can be published without waiting for submittal of the requested additional information noted in my November 5, 2008 and February 2, 2009 letters to you.

I will review the application to see if there is enough information for legal notice publication to proceed and will contact you if anything is needed in that regard. This will result in publication of the legal notice while you continue your work in submitting the additional information necessary for the department to fully evaluate the application.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Steve Lester". The signature is written in a cursive, flowing style.

Steve Lester  
Water Rights Supervisor



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor  
DAVID R. TUTHILL, JR., Director

February 2, 2009

IDAHO WATER CO  
C/O ZACH LATHAM  
BROCKWAY ENGINEERING PLLC  
2016 N WASHINGTON ST STE 4  
TWIN FALLS ID 83301

Re: Application for Transfer No. 73811

Dear Zach:

Your request for more time to provide information described in the Idaho Department of Water Resources (IDWR) November 5, 2008 letter is approved as noted below.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received by **August 1, 2009**.

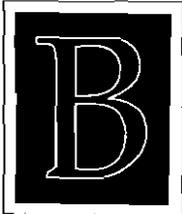
Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Steve Lester". The signature is written in a cursive, flowing style.

Steve Lester  
Water Rights Supervisor



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 02 2009

WATER RESOURCES  
WESTERN REGION

January 30, 2009

Steve Lester  
Idaho Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, ID 83705-5082

Re: Idaho Water Company – Brown/Preston Transfer # 73811

Steve,

As you are aware, Brockway Engineering filed an amended application for transfer in the name of the Idaho Water Company dealing only with water rights 61-2154, 61-2155, 61-7005, 61-7119, 61-7396, and 61-10378.

An extension of time is being requested for the processing of transfer application # 73811 so that additional data may be gathered as were outlined in a November 5, 2008 letter. We request an additional 6 months time to reply to your concerns outlined in this letter.

If you need any further information or have any further questions, don't hesitate to give our office a call. Also, please copy our office on all correspondence dealing with this water right transfer application. Thanks for your time and have a great day.

Regards,

Zach. Latham, M.S., Hydrologist

Enclosures

Cc: Del Kohtz  
Mike Preston

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

## Lester, Steve

---

**From:** Lester, Steve  
**Sent:** Friday, January 30, 2009 11:40 AM  
**To:** 'Zach Latham (zach.latham@brockwayeng.com)'  
**Subject:** Transfer 73811, more time

**Contacts:** Zach Latham

Zach:

Received your fax, looks good, will send you written confirmation approving more time.

Steve Lester  
Water Rights Supervisor  
IDWR Western Region  
tel: 208.334.2190  
fax: 208.334.2348



# Fax Transmittal

(208) 736-8543  
Fax (208) 736-8506

2016 North Washington Street, Suite 4  
Twin Falls, Idaho 83301

<b>To:</b> Steve Lester	<b>Fax Number:</b> 208-334-2348
<b>From:</b> Zach Latham	<b># pages (incl. cover):</b> 2
<b>Cc:</b>	<b>Date:</b> 1-30-09
<b>Re:</b> Time Extension Request for Transfer # 73811	

 Urgent For Review Please Comment Please Reply**Comments:**

Steve-

Attached is a letter that requests a 6 month extension of time for processing of water right transfer # 73811. Please confirm that you received this fax and letter by emailing me at: zach.latham@brockwayeng.com

Thanks for your time and I look forward to working with you in the near future.

Zach Latham



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

January 30, 2009

Steve Lester  
Idaho Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, ID 83705-5082

Re: Idaho Water Company – Brown/Preston Transfer # 73811

Steve,

As you are aware, Brockway Engineering filed an amended application for transfer in the name of the Idaho Water Company dealing only with water rights 61-2154, 61-2155, 61-7005, 61-7119, 61-7396, and 61-10378.

An extension of time is being requested for the processing of transfer application # 73811 so that additional data may be gathered as were outlined in a November 5, 2008 letter. We request an additional 6 months time to reply to your concerns outlined in this letter.

If you need any further information or have any further questions, don't hesitate to give our office a call. Also, please copy our office on all correspondence dealing with this water right transfer application. Thanks for your time and have a great day.

Regards,

Zach. Latham, M.S., Hydrologist

Enclosures

Cc: Del Kohtz  
Mike Preston

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BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

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FAX: 736•8506



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor

DAVID R. TUTHILL, JR., Director

**FAX COVER SHEET**

TO Mike Preston FAX# 375-6850

FROM Steve Lester DATE 1/30/09

RE ID WATER CO. Transfer Appl # 73811 -

1) my 11/5/08 letter requesting info by 2/1/09 \*

2) Jack e Brockway just called, is faxing request  
 for more time - should be fine to approve it  
 soonest

TOTAL PAGES SENT 2 + COVER SHEET

**WEBSITE TIPS - [www.idwr.idaho.gov](http://www.idwr.idaho.gov)**

**Main menus** like **on-line data** etc. - upper left corner, select for more details. Most IDWR records are organized by township, range and section. Township, range and section information is usually available from county assessor offices. For best results, try a **broad search first and narrow the search as needed** to avoid overlooking the information you seek.

**Water Right &/or Adjudication information:** **on-line data, then water right & adjudication search.** For type of query, select **all srba & water rights** then click the **where** tab and enter township, range, section (and maybe 1/4 or 1/4 1/4 of section). Be sure to choose "Point of Diversion" or "Place of Use" depending on the information you need ("both" means diversion and use within identical search parameters, not that either are within the parameters).

**Well Log information:** **on-line data, then well construction search:** enter the township, range and section. Select **Summary Results** displayed in table format for easy use, select individual record from table for scanned well log. Most well logs have been scanned and are available on the Internet.

**Forms, rules, statutes** etc. are also available on-line. If you cannot find information or have trouble interpreting information, please contact the IDWR staff person on duty each day. This person is called the "office day" person and is available for general assistance. Call the office day person at **208-334-2190 between the hours of 8 and 5 Monday through Friday.** Thank you for using the website.

\* typo in 2nd sentence hand-corrected = "was"

RECEIVED  
JAN 01 2009  
WATER RESOURCES  
WESTERN REGION



Erika E. Malmen  
PHONE: (208) 387-7504  
FAX: (208) 343-3232  
EMAIL: EMalmen@perkinscoie.com

251 East Front Street, Suite 400  
Boise, ID 83702-7310  
PHONE: 208.343.3434  
FAX: 208.343.3232  
www.perkinscoie.com

December 30, 2008

**VIA U.S. MAIL**

Idaho Department of Water Resources  
Attention: Angie Grim  
Western Regional Office  
2735 Airport Way  
Boise, Idaho 83705-5082

**Re: Request for Notification / Applications for Appropriation or Transfer Nos. 63-32535, 61-2188, 63-32605, 61-12095, 61-12096, 63-32703, 61-12162, 61-12168, 63-32973, 61-12173, 61-12174, 63-32680  
Our Reference: 69165-0001**

Dear Ms. Grim:

Please notify this office when the above-referenced water right applications / transfers are published for public comment.

Very truly yours,

Erika E. Malmen

EEM/kjg



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

**Western Region, 2735 Airport Way, Boise, Idaho 83705-5082**

**PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov**

C.L. "BUTCH" OTTER, Governor  
DAVID R. TUTHILL, JR., Director

November 5, 2008

IDAHO WATER CO  
C/O ZACH LATHAM  
BROCKWAY ENGINEERING PLLC  
2016 N WASHINGTON ST STE 4  
TWIN FALLS ID 83301

Re: Application for Transfer No. 73811

Dear Zach:

I recently wrote to you on October 16 regarding the above referenced transfer application filed in the name of Idaho Water Company. Apparently there was some miscommunication within the Idaho Department of Water Resources (IDWR), and that misunderstanding resulted in my letter to you. Today's letter will correct that mistake and provide clearer guidance for processing the application.

Previously I noted you could wait until IDWR analysis of existing information has been completed and that you could provide additional information during this internal review. That meant the ball was in the department's court, so to speak.

However, the most recent directive within IDWR is to follow normal processing methods for this application. Normal processing in this case includes obtaining information to show the application is approvable prior to publishing legal notices. Any information IDWR can add from its records will compliment normal processing. This results in the following request for information to support your client's application.

- 1) Demonstrate that ground water is available in the amount requested for the proposed place of use. This should include information documenting a sustainable supply for the expected duration of the project.
- 2) Demonstrate that diversion of ground water in the amount requested and under the associated priority dates will not injure other water right owners for the area, particularly in light of significant ground water level declines noted in the map included in my recent letter.

Application for Transfer No. 73811  
November 5, 2008  
Page 2

- 3) Discuss plans to monitor and report data about ground water levels for the proposed project area. This is necessary due to the project location with respect to the Mtn. Home Ground Water Management Area and the Cinder Cone Butte Critical Ground Water Area.
- 4) Will pumping at the proposed site cause additional ground water level declines for the Mtn. Home Ground Water Management Area and/or the Cinder Cone Butte Critical Ground Water Area?
- 5) If your information indicates possible injury to other water rights and/or suggests that additional declines in water levels for the area will occur, discuss how the proposed project will mitigate those impacts.

**Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received by February 1, 2009.**

**Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.**

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Steve Lester  
Water Rights Supervisor



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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C.L. "BUTCH" OTTER, Governor  
DAVID R. TUTHILL, JR., Director

October 16, 2008

IDAHO WATER CO  
C/O ZACH LATHAM  
BROCKWAY ENGINEERING PLLC  
2016 N WASHINGTON ST STE 4  
TWIN FALLS ID 83301

Re: Application for Transfer No. 73811

Dear Zach:

The Idaho Department of Water Resources (IDWR) received the amended transfer application you recently submitted for your client. As we had discussed, the intent was to publish the legal notices soon. That plan has changed as explained below.

IDWR has received numerous applications for permit and applications for transfer for ground water in the same general area as your client's transfer application – planned communities and other development near the Cinder Cone Butte Critical Ground Water Area (CGWA) and Mountain Home Ground Water Management Area (GWMA). Preliminary information indicates ground water supplies in those areas are questionable.

Your client's transfer application involves moving ground water rights from the southeast portion of the GWMA to the northwest portion, adjacent to the critical area. The application proposes significant new pumping from an area just north of the ground water decline areas noted in the attached diagram. Ground water flow in the northwest portion of the GWMA is generally thought to be south/southwest. Additional pumping in the desired location might injure other water rights – an issue to explore in this application.

Water might or might not be available for the site. Individual and/or cumulative projects could exacerbate ground water declines in the CGWA and/or GWMA. IDWR technical staff is analyzing available data for the site and expects to report on that fairly soon. Based on that forthcoming information and on any additional information that becomes available in the interim, IDWR would expect to determine when processing of applications should continue.

Application for Transfer No. 73811  
October 16, 2008  
Page 2

Because of these factors, legal notices for your client's application will not be published as soon as we had expected. IDWR should be able to make more informed decisions about processing within the next two or three months. Meanwhile, I will review amended Application 73811 to make sure everything else is in order to facilitate additional processing in a few months.

You are welcome to wait for the expected IDWR technical summary for the area. Likewise, you are welcome to provide technical information to support your client's application as follows:

1. Demonstrate that ground water is available in the amount requested for the proposed place of use.
2. Demonstrate that diversion of ground water in the amount requested and under the associated priority dates will not injure other water right owners for the area, particularly in light of the significant ground water level declines previously noted.

IDWR places no deadline for you to provide this additional information at this time. After IDWR technical review has been completed and results are available, I will contact you for the next step in this process. I regret any inconvenience to you or your client resulting from this delay. Please contact me at 208-334-2190 if you have any questions or would like to discuss this in more detail.

Sincerely,

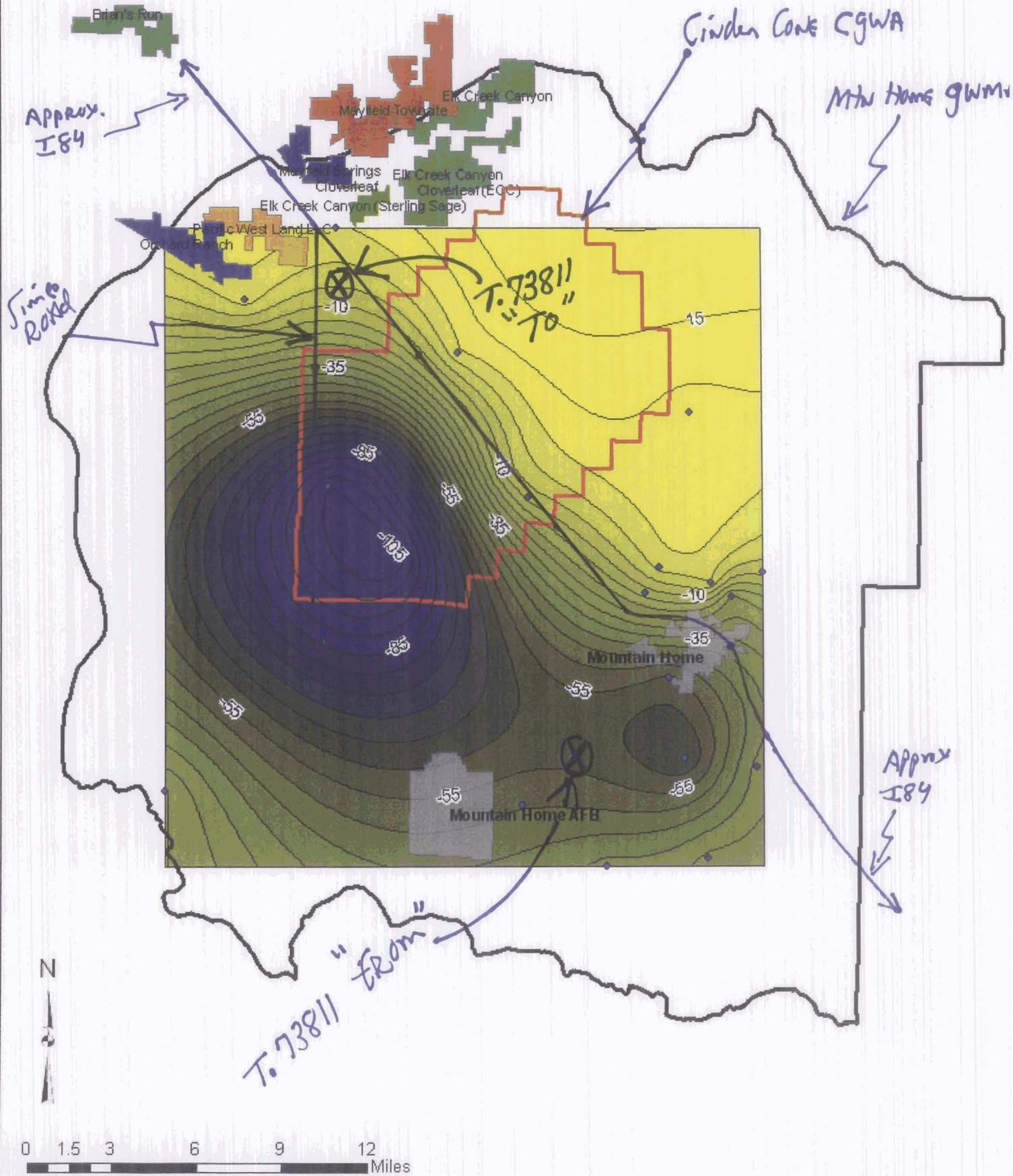


Steve Lester  
Water Rights Supervisor

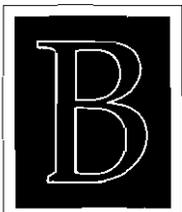
Enclosure

Cc: Gary Spackman, IDWR Water Management Administrator  
John Westra, Western Region Manager

Ground Water Level Change 1976 - 2008  
in the Mountain Home Area



Notes -82 10/16/08



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 08 2008

WATER RESOURCES  
WESTERN REGION

September 4, 2008

Steve Lester  
Idaho Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, ID 83705-5082

Re: Idaho Water Company – Brown/Preston Transfer

Steve,

As you are aware, Brockway Engineering is filing an amended application for transfer in the name of the Idaho Water Company dealing only with water rights 61-2154, 61-2155, 61-7005, 61-7119, 61-7396, and 61-10378. Water rights 61-2188 and 61-7151 have been omitted and are not to be included in the amended transfer application.

The attached water right transfer application seeks to split several water rights and change the place of use for 369 acres of combined ground water rights from the Bernard Brown farm to land owned by Shekinah Industries. The new place of use is located several miles northwest of the water rights current authorized location. The final layout of the new diversion system is presently under development. It is our understanding through phone calls with yourself, that processing of the attached amended transfer application will continue as soon as you receive this transfer packet, and we appreciate your attention to this matter.

Total fees for the proposed transfers have been previously paid to cover the IDWR transfer processing fee for the first transfer application. Due to the decreased total discharge on page one of the amended application, we ask that you refund Brockway Engineering for the difference between the amount that has been paid, and the amount that would be owed under this application ( $8.67 - 5.56 = 3.11$  cfs or \$120 refund). If you need any further information or have any further questions, don't hesitate to give our office a call. Also, please copy our office on all correspondence dealing with this water right transfer application. Thanks for your time and have a great day.

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

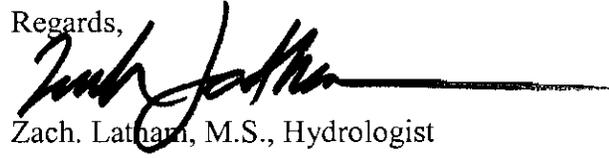
2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

Regards,

A handwritten signature in black ink, appearing to read "Zach. Latnam", with a long horizontal line extending to the right.

Zach. Latnam, M.S., Hydrologist

Enclosures

Cc: Del Kohtz  
Mike Preston