



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 17, 2011

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BOISE ID 83701

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Re: Application for Transfer 75912 – Willowbrook Development Inc.

Gentlemen:

Following out last telephone conference, regarding the above referenced application for transfer, we did some checking and offer the following information in regard to this proposed transfer.

We find that Rights 63-7131A and 63-8376E are both used for irrigation purposes within the NWSW, Sec. 28, Twp. 5N, Rge. 1W. We also note that Rt. 63-12125 has been decreed for domestic water use within that 40 acre tract. The irrigation rights are considered stacked rights, since they are from the same source and used in the same place of use. However, the irrigation rights and the domestic right were issued for totally distinct beneficial uses and they are not necessarily considered as stacked. In order to avoid expansion of any of the rights we would like you to consider the domestic right as covering use inside a home and up to ½ acre of lawn and garden irrigation for each lot as implied on the water right which allowed 1.2 acre foot per lot. Therefore, in determining how much water Willowbrook should leave for the homeowners, the amount for irrigation use in this 40 acre tract should only consist of 3.8 acres rather than 6.7 acres as determined in correspondence of October 4, 2011.

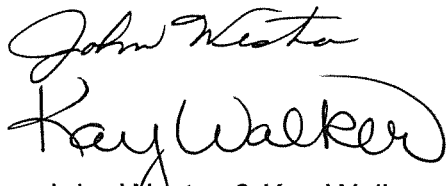
A discussion of "Stacked Water Rights" can be found in Transfer Memo No. 24 on page 27 if you wish to review our policy it can be accessed at:
<http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/policy-memos.htm>

As stated during our telephone conference, the above transfer application is not approvable in its current condition. You and your clients need to come to some solution of how to handle the water rights for Hillsdale Subdivision and submit an amended transfer application that can be acted upon.

Please advise us what you wish to do in regard to the transfer application. Your response, including the requested information, must be received by December 31, 2011. Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded as we have already advertised this proposal once. A rejected application may be re-filed when adequate information can be provided.

If you have any questions or concerns in regard to the above information, please feel free to contact us at (208)334-2190.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature, "John Westra", is written in a cursive style. The second signature, "Kay Walker", is also in cursive and is positioned directly below the first signature.

John Westra & Kay Walker
Western Regional Office