

## Westra, John

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**From:** Roxanne Brown [RBrown@spfwater.com]  
**Sent:** Wednesday, March 23, 2011 1:51 PM  
**To:** Van Bussum, Monica; Lori Graves  
**Cc:** Scott King; Westra, John; Nelson, Dan  
**Subject:** RE: Pending Water Bank Lease Applications

Monica,

Willowbrook is currently in negotiation with the HOA. It is a large, complicated project and is taking longer than they expected. We have made the parties aware of the 3/11 deadline, but are providing only some technical mapping assistance in their negotiations. The question is legal, not technical.

We understand your need to act on these applications and move them along. If the applications are rejected, they will be resubmitted in the future.

Roxanne

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**From:** Van Bussum, Monica [mailto:Monica.VanBussum@idwr.idaho.gov]  
**Sent:** Wednesday, March 23, 2011 12:06 PM  
**To:** Roxanne Brown; Lori Graves  
**Cc:** Scott King; Westra, John; Nelson, Dan  
**Subject:** RE: Pending Water Bank Lease Applications

Hi Roxanne,

I am just checking on the progress made for these. You had anticipated resolution by March 11. Thanks!

Monica

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**From:** Roxanne Brown [mailto:RBrown@spfwater.com]  
**Sent:** Wednesday, February 09, 2011 1:20 PM  
**To:** Van Bussum, Monica; Lori Graves  
**Cc:** Scott King; Westra, John; Nelson, Dan  
**Subject:** RE: Pending Water Bank Lease Applications

Monica,

Thank you for the update. We are currently working with Willowbrook and the HOA (represented by Charlie Honsinger) to finalize an agreement on the ownership of the water rights. Thank you for the additional 30 days. I will inform Willowbrook at our next meeting, and we will try and resolve the issues by March 11, 2011..

Thanks again,

Roxanne Brown  
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**From:** Van Bussum, Monica [mailto:Monica.VanBussum@idwr.idaho.gov]  
**Sent:** Wednesday, February 09, 2011 1:15 PM  
**To:** Lori Graves  
**Cc:** Roxanne Brown; Scott King; Westra, John; Nelson, Dan  
**Subject:** RE: Pending Water Bank Lease Applications

Hi Lori,

As promised, Dan has done a preliminary review of the lease applications and we have an update for you. A review of the files revealed that water right transfer 75912 was filed on 63-7131A and 63-8376E. This water right transfer has been protested on the grounds that Willowbrook Development does not own all or a portion of these water rights and that the proposed water right transfer will result in injury to existing water rights, enlargement in the use of existing water rights, conflict with the local public interest, and would be contrary to the conservation of water resources within the state of Idaho.

Water Supply Bank Rule 25 requires the Department to evaluate whether the applicant is the current owner of the water right. Additionally, WSB Rule 25 requires the Department to determine whether the lease will result in injury to existing water rights, will result in enlargement in the existing rights, and will be in the local public interest.

Because the protest to transfer 75912 lists issues linked to Water Supply Bank acceptability, and because a letter from the protestant on November 29, 2010, cited "fruitful negotiations," we will hold the applications for 30 days to allow further effort toward resolution. However, we can not hold the applications indefinitely pending further negotiations. Please let me know how things are progressing during the next 30 days. I have copied John Westra on this email to keep him informed.

Thanks!

Monica

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**MONICA VAN BUSSUM**

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**From:** Lori Graves [mailto:LGraves@spfwater.com]  
**Sent:** Thursday, February 03, 2011 2:09 PM  
**To:** Van Bussum, Monica  
**Cc:** Roxanne Brown; Scott King  
**Subject:** Pending Water Bank Lease Applications

Monica,

Per our telephone conversation, the applications that may be subject to forfeiture in the near future unless accepted to the bank are highlighted below. I included all the applications we submitted for Willowbrook since they probably need to be reviewed together.

|                      |                  | Decree Date |
|----------------------|------------------|-------------|
| <b>Willowbrook –</b> | all of 63-32819  | 3/19/2009   |
|                      | 63-32821         | 3/19/2009   |
|                      | 63-33025         | 3/19/2009   |
|                      | 63-33027         | 3/19/2009   |
|                      | parts of 63-3079 | 2/16/2007   |
|                      | 63-7056B         | 2/6/2009    |
|                      | 63-7131A         | 2/16/2007   |
|                      | 63-8376E         | 2/16/2007   |

All the above applications were submitted August 24, 2009.

|                          |                   |           |
|--------------------------|-------------------|-----------|
| <b>Surprise Valley -</b> | parts of 63-161BN | 2/16/2007 |
|                          | 63-2932           | 2/16/2007 |

The above application was submitted August 31, 2009.

After a preliminary review of the applications, please let me know if you advise we file *Requests to Avoid Forfeiture* on any or all of the highlighted water rights.

Thanks Monica.

**Lori Graves**  
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