



State of Idaho

DEPARTMENT OF WATER RESOURCES

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March 25, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

LORI GRAVES AND ROXANNE BROWN
SPF WATER ENGINEERING
300 E MALLARD DR, STE 350
BOISE ID 83706

RE: WILLOWBROOK DEVELOPMENT APPLICATIONS TO LEASE 63-3079, 63-7056B, 63-7131A, 63-8376E, 63-32819, 63-32821, 63-33025, AND 63-33027 TO THE WATER SUPPLY BANK

Dear Applicant:

On August 25, 2009, the Department received applications filed on behalf of Willowbrook Development to lease the above water rights to the Water Supply Bank (Bank). Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department evaluate whether the applicant is the current owner, title holder, or contract water user of the water right. Additionally, Water Supply Bank Rule 25 requires the Department determine whether the lease will result in injury to existing water rights, will result in an enlargement in the existing water rights, and will be in local public interest.

A review of your files revealed that water right transfer 75912 was filed on two of the water rights that you have submitted for lease to the bank. These two water rights are 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.

Because the protest to Transfer 75912 lists issues applicable to Water Supply Bank acceptability, we cannot accept any of your water bank applications until the protest is resolved. The place of use for the protested water rights is also in the same general area as all of the other water bank leases, suggesting these water rights are similar in nature.

Therefore, we are returning your applications. Once all protests to water right transfer 75912 have been resolved, you can re-file the water bank leases. If you have any questions or concerns please contact me at (208) 287-4907.

Respectfully,

Monica Van Bussum
Sr. Water Resource Agent

Enclosures: Lease Applications – original

C: John Westra – IDWR Western Regional Office
Willowbrook Development inc