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MAY 25 2010

DEPARTMENT OF
WATER RESOURCES

May 19, 2010

Aaron Marshall
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720

Re: Spring Creek Idaho Ranch LLC- Water Supply Bank Rental Application.

Dear Mr. Marshall

Attached is one Water Supply Bank (WSB) lease application for the remainder of the water rights offered to be leased to the WSB, owned by the Spring Creek Idaho Ranch LLC: 37-231A and 37-233. Spring Creek Idaho Ranch LLC seeks to rent the remaining 23.0 of 48.0 acres for irrigation at a different place of use on the Spring Creek Ranch. A total of 23.0 acres have been requested for rental from the WSB on the same property in T.01S R.18E Section 15. Although the points of diversion for water rights 37-231A and 37-233 list the Black Slough and Willow Creek as point of diversions and Crystal Creek as a point of injection, the 23 acres of both water rights are proposed to be irrigated using 0.57cfs of Crystal Creek water from a recognized point of diversion in T.01S R.18E Sec.15 NESE. The identical flow rate (0.57 cfs) from Black Slough will be injected into Crystal Creek in T.01S R.18E Sec.15 SESW therefore making up for the diverted water used to irrigate the 23.0 acres (as shown on attached map) in T.01S R.18E Sec.15 NESW, NWSE. No injury is anticipated as a result of the water diverted and used for irrigation as outlined in the proposed water bank rental application because there is no 2nd party between the proposed point of diversion and the point of injection.

A summary of the acres offered for lease, rental, and those intending to remain in the WSB is also attached. Because Spring Creek Idaho Ranch LLC is leasing and renting the sum of water offered for lease, it is my understanding that only 10% of the current rental rate will need to be paid to the WSB.

Two letters addressed to Spring Creek Idaho Ranch LLC from you on April 27th 2010 indicate that the WSB lease and rental applications submitted to your office on April 21st 2010 may not be processed within the proposed "indefinite" lease period. Spring Creek Idaho Ranch LLC has recently had water right transfer 75840 advertised by IDWR which seeks to create a permissible place of use in which acres identified in the rental applications

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may be irrigated. Because the water right transfer application may be protested, our office has submitted these applications on behalf of our client. Spring Creek Idaho Ranch LLC has made every good faith effort possible to try and legally move water to fields outlined in the WSB applications, which are to be irrigated in the 2010 irrigation season. It is our opinion that IDWR has an obligation to Spring Creek Idaho Ranch to process the WSB applications in light of their efforts and in particular, the pending water right transfer application 75840. The WSB exists in part to provide farmers and farms the ability to move water within a farm boundary in a timely fashion where a pending water right transfer application would not make the timely movement of that water possible. We ask and expect that IDWR process these Spring Creek Idaho Ranch LLC WSB applications promptly, and irrigation of the proposed acres can proceed quickly.

Please copy our office on all correspondence regarding this WSB lease and rental application. Thanks for your time and don't hesitate to give me a call should you have additional questions or comments.

Regards,



Ann Pool
Hydrologic Technician

for
Charles E. Brockway Ph.D., P.E.

Enclosures- 1 WSB Rental Application
1 WSB Calculation Summary Sheet
1 Limited Power of Attorney Document

Cc: George Kirk
Jim Laski