



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 30, 2010

JOHN H STERLING
STERLING LANDSCAPE CO
4663 W USTICK RD
NAMPA ID 83687

RE: Application for Transfer No. 73890 of Water Right No. 63-10029

Dear Mr. Sterling:

I have received phone calls from Mr. Vic Conrad this week. He is pursuing the information needed to process your application for transfer 73890. I believe that, although he is making some progress, he will not be able to provide the required data today April 30, 2010, which is the deadline that we had agreed to on March 22, 2010. The purpose of this letter is to provide you with 1) a formal confirmation of his request for additional time and 2) my agreement to allow an additional thirty (30) days to locate and provide the required data.

The primary obstacle to processing this transfer remains unresolved. Application for transfer 73890 proposes to change the nature-of-use, place-of-use and point-of-diversion for Water Right 63-10029. In order to process this transfer application you are required to provide the Department with records documenting the historical consumptive use associated with Water Right 63-10029. This is the same impediment that prompted my February 18, 2010 letter.

I believe that Mr. Conrad understands the scope of the historical consumptive use data needed and that Mr. Conrad has successfully contacted Mr. Friday, the previous holder of Right 63-10029. Mr. Conrad expects to be able to supply the additional information in the form of an affidavit or letter by May 28, 2010 and I have agreed to an extension of time to accommodate that. The Department would prefer an affidavit over a signed letter as evidence of the use.

As I have explained in my February 18, 2010, letter this transfer application does not propose a storage use, but it appears to suggest that a change the nature-of-use would better describe your planned use. If a storage use is your intent, then it would be to your advantage to amend the application before we proceed.

The priority date of Water Right 63-10029 is not in jeopardy so transfer application 73890 is not much more than a place holder. In view of the progress that the Department has made in reducing the transfer backlog, very little if any time will be saved by amending it once again. Confirmed, solid documentation will be required to supplant the existing transfer application's proposed changes in place-of-use, nature-of-use and point-of-diversion to ensure that it will suit your current needs. It may be in your best interest to withdraw transfer application 73890 and begin anew with a transfer application custom fit to your current needs. I will be reluctant to agree to another extension of time without some evidence that the required documentation is imminent.

Feel free to contact me with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Edl", written in a cursive style.

Michele Edl
Associate Engineer
Water Rights Section
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720-0098
Phone: 208-287-4946
Email: Michele.Edl@idwr.idaho.gov

CC
VIC CONRAD
J R SIMPLOT
PO BOX 27
BOISE ID 83707