



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 29, 2010

DAVE SHAW
ERO RESOURCES CORP
3314 GRACE ST
BOISE, ID 83703

RE: Application for Transfer 70024 and Application for Permit 63-31515

Dear Mr. Shaw:

The Idaho Department of Water Resources (IDWR) is currently reviewing transfer application 70024 and a companion application for permit 63-31515. As you know, I have been assigned to review and analyze this pair of applications. While entering the application data into our database, I have found that additional information is needed. I am unable to proceed with the processing of either the transfer or the permit because I lack some necessary documents.

Howell Kiser Development Corp filed both of these applications. Assignment of both applications from Howell Kiser to the Rivers End Neighborhood Association Inc. is needed. I have enclosed two assignment forms necessary to assign interest in these applications from Howell Kiser Development Corp to Rivers End Neighborhood Association Inc.

You have provided updated shape files for the ponds and points-of-diversion for use in Transfer application 70024. The Department needs a request or authorization from the applicant or authorized representative that those same updates to the ponds be applied to application for Permit 63-31515 since these applications represent the same ponds.

The shape files you have provided indicate that the irrigation place-of-use is larger than number of irrigated acres in Transfer 70024. However, the transfer application does not request a permissible place-of-use (PPU). Please have the applicant or authorized representative confirm that they intend the irrigation to be described within a permissible place-of-use represented by the submitted shape and application map.

Administrative Memorandum Transfer Processing Memo No. 24 (see **5c Injury to Other Water Rights (7) Change of Source** ~page 26) requires evidence of interconnectivity (at least 50 percent depletion in the original source from depletion at proposed points of diversion in one day) when a transfer proposes a point of diversion change from a surface water source to a ground water source. The amended application you have submitted does not include that evidence. Although the Department has pilot analysis tool, in spreadsheet format, that we have used in situations where a well is to replace a surface point of diversion it may not be applicable to this scenario. I would be willing to discuss its applicability to this case if you wish. However, other evidence of interconnectivity may be acceptable and more readily available to you. Without it, the transfer application must be rejected.

In summary, please provide the following:

- 1) Assignments of both the Permit and the Transfer applications from Howell Kiser Development Corp to Rivers End Neighborhood Association Inc.
- 2) A request from the applicant or authorized representative that the points-of-diversion and place-of-use

for the ponds in Application for Permit 63-31515 be amended to reflect the same as described in amended transfer 70024.

- 3) Applicant or authorized representative confirmation that a PPU is intended in transfer 70024.
- 4) Sufficient evidence of interconnectivity between the ponds and the river.

The Department will hold further processing of these applications for 30 days to allow you to respond to this request for additional information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time if adequate information is not received, the Department will issue a preliminary order to reject or deny the applications.

I believe that it will only take a little more work to finally bring both of these applications up to an approvable state. Administrative Transfer Memo No. 24 is available for your review on the Internet at www.idwr.idaho.gov. Feel free to contact me with questions. Thank you for your attention to this matter.

Sincerely,



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Enclosures(2)