



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 30, 2009

C/O ZACH LATHAM
BROCKWAY ENGINEERING
STE 4
2016 WASHINGTON ST N
TWIN FALLS ID 83301

RE: Application for Transfer #68497 and 68497 Amendments—Clarification of Land Ownership and PPU Acreage

Dear Mr. Latham:

Idaho Department of Water Resources (department) is in receipt of the Amendment of Transfer applications regarding the aforementioned transfer numbers. Thank you for submitting the amendments in a timely manner.

Review of the new proposed place of use brought about some questions regarding land ownership. First, only 5 acres of the proposed 11.6 acres within the SWNW of Section 21 Township 1S, Range 20E appear to be owned by the transfer applicant. According to 2008 tax lot data, the other 6.6 acres may be owned by Idaho Department of Fish & Game. Secondly, none of the land within the NWSW of Section 16 Township 1S, Range 20E appears to be owned by the transfer applicant. The 2008 tax lot data indicates the Point of Rocks Ranch LLC may be the owners.

If the land in question is not owned by the transfer applicant, please submit consent agreements from the current owners of the land that authorizes the applicant to transfer water rights to their land. Alternatively, you may submit a request that excludes the land not owned by the transfer applicant from the proposed place of use. If the applicant does own the land, please submit proof of ownership such as a warranty deed.

During my review, I also see that there is a discrepancy in the permissible place of use (PPU) description. The map that you submitted illustrates that part of the PPU is with the E1/2SE1/4 of Section 18, Township 1S, Range 20E and the legal description table indicates that it is within the E1/2NW1/4 of Section 18. Depending on which is correct, you may submit a new map that corresponds to the legal description or you may submit a corrected front page of the amended transfer application.

In addition, I wanted to make you aware that the PPU that the amended application proposed will be modified. Some of the quarter-quarters identified within the PPU are larger than 40 acres while

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adjacent quarter-quarters are smaller. Currently, the department's database is unable to accommodate legal descriptions that exceed 40 acres. Therefore, whenever the PPU encompasses an entire quarter-quarter the legal description will be 40 acres. This change will result in the PPU being smaller by 0.9 acres.

Please submit the information that this letter is requesting within thirty (30) days of the date of this letter. If you have any questions regarding the issues addressed in this letter, please call me at (208) 287-4944. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cherie Padilla". The signature is fluid and cursive, with the first name "Cherie" being more prominent than the last name "Padilla".

Cherie Padilla
SR Water Right Agent
Water Allocation Bureau