



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

December 14, 2009

DRY LOT LLC
116 VALLEY CLUB DR
HAILEY ID 83333

RE: Permit No. 37-22252

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit. Also enclosed is a copy of the Department's staff memorandum that provides an explanation for the water use authorized by this permit and the conditions of approval.

Condition of approval no. 5 limits the amount of water diverted under this permit to the amount of water used for ground water recharge under water right 37-22313 pursuant to transfer approval no. 74449. The water used for recharge mitigates for the depletion of water under this permit that would otherwise cause injury to existing water rights. Mitigation plans often result in administrative challenges to the Department. The volume limitation for this permit is necessary to ensure that the mitigation is adequate to avoid injury to other water rights. If the Department allowed some volume in excess of the amount used for recharge, the Department could not be certain that the recharge would provide adequate mitigation.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

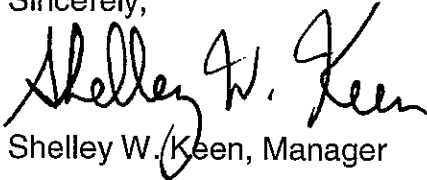
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the

above referenced date requesting you to submit either a Statement of Completion for submitting proof of beneficial use or a Request for Extension of Time.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's website to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen, Manager
Water Rights Permits Section

Enclosure(s)

cc: CHARLES E BROCKWAY
TRAVIS L THOMPSON
OLD CUTTERS INC
BIG WOOD CANAL COMPANY
INDIAN CREEK RANCH OWNERS ASSN INC

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2009 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-22252

**CHARLES E BROCKWAY
C/O BROCKWAY ENGINEERING
2016 N WASHINGTON ST #4
TWIN FALLS ID 83301**

**TRAVIS L THOMPSON
BARKER ROSHOLT & SIMPSON LLP
113 MAIN AVE WEST STE 303
PO BOX 485
TWIN FALLS ID 83303-0485**

**DRY LOT LLC
116 VALLEY CLUB DR
HAILEY ID 83333**

**OLD CUTTERS INC
PO BOX 4944
KETCHUM ID 83340**

**BIG WOOD CANAL COMPANY
C/O CRAIG HOBDEY
PO BOX 176
GOODING ID 83330**

**INDIAN CREEK RANCH OWNERS ASSN INC
C/O DANA L HOFSTETTER
HOFSTETTER LAW OFFICE LLC
608 WEST FRANKLIN ST
BOISE ID 83702**



**Danni M. Smith
Office Services Supervisor**