



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

April 14, 2009

DAVID N STERLING PE
T O ENGINEERS
9777 CHINDEN BLVD
BOISE ID 83714-2008

Re: Pond Project for River Run Subdivision

Dear Mr. Sterling:

The above referenced project is involved in pending Application for Permit No. 63-33029 and Application for Transfer No. 74751 for shallow ground water ponds in Middleton. Mitigation for consumptive use associated with proposed ponds was previously required by the Idaho Department of Water Resources (IDWR).

However, IDWR policy in that regard has changed based on better information now available to the department. Ground water downstream from Star is available for new appropriations without the need to mitigate consumptive use. This greatly simplifies things for the pond scenario.

The ditch company might want to withdraw Transfer Application 74751. This would allow your client to seek a new water right for pond capacity, including its consumptive component, within Application 63-33029. Enclosed is a withdrawal form for the transfer application in that case. A refund can be issued for the \$250 transfer application fee previously paid if that application is withdrawn.

If the transfer is withdrawn, Application 63-33029 should be amended as suggested in the enclosed copy prepared for your review. The applicant could submit a new form labeled "amended" and signed by the applicant. Additional payment is not needed under this option. If the parties want to proceed with both applications, we should discuss some details needing attention in the transfer application.

Please let me know how your client would like to proceed. Thank you for your attention to these matters. Please contact me at 334-2190 if you have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure