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DEPT. OF WATER RESOURCES
SOUTHERN REGION

February 5, 2009

Mr. Benny Walker
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Application for Permit – Croy Canyon Ranch Foundation
Project No. 1047-01-2008

Dear Benny:

I am in receipt of your letter of January 30, 2009. I am resubmitting the permit application with the typographical error corrected. In addition, the application now bears the signature of the foundation's president and includes a contact list of the foundation's board members.

With regard to the other concern described on Page 2 of your letter, the application is for a municipal water use and IDWR has already determined that the facility will qualify for such a use. I.C. 42-202(2) provides that for municipal applications, "The service area need not be described by legal description nor by description of every intended use in detail, but the area must be described with sufficient information to identify the general location where the water under the water right is to be used and the types and quantity of uses that generally will be made."

The proposed cottages will be located either on land currently owned by the foundation, or on adjacent land of approximately 10 acres which is the subject of active negotiations between the foundation and the owner of that land. This adjacent land has been included in the foundation's application to Blaine County for a conditional use permit to the extent that the foundation has planned for and has requested that area to be automatically "annexed" into the area covered by the conditional use permit upon acquisition, should that occur. When negotiations are complete, this area will receive municipal water and I have been assured by Allen Merritt that such use can occur under a municipal right by simple declaration rather than a transfer or permit amendment.

The precise location of potential cottages and associated irrigation cannot be made at this time, nor does such a demarcation appear to be required by the statute. For example, a City is not required to submit with every permit

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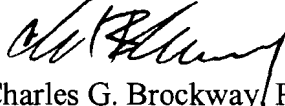
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application a specific location of every house that might be served at some time within its planning horizon, or every change in service area that may occur in the future. I believe we have provided adequate documentation of reasonably anticipated future needs, and adequate information to meet the requirements of I.C. 42-202(2) and IDAPA 37.03.08.

As provided by I.C. 42-203(a), I would request that the Department process and advertise this application at the earliest opportunity.

Cordially,

A handwritten signature in black ink, appearing to read "Charles G. Brockway", written over a horizontal line.

Charles G. Brockway, P.E.

Enc: Revised permit application
Cc: Vicki Abrams, Executive Director CCRF