



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 12, 2008

ATTN MICHAEL EISENMAN
EISENMAN FAMILY TRUST
2988 S OWYHEE ST
BOISE ID 83706

Re: Application for Transfer No. 73788, Water Right No. 61-7283A

Dear Mr. Eisenman:

The above referenced transfer application can be processed based on your recent visit to this office. The application needs some additional corrections. Probably the best way to do that is to make an appointment with me at your convenience to make the necessary corrections.

The Idaho Department of Water Resources (IDWR) will issue a \$40 refund to you based on the most recent changes you made to the application (reduced amount of water being transferred from 1.50 to 1.00 cfs, resulting in reduced fee). The refund will follow in a separate mailing.

Two additional items also need attention as follows.

Ownership of Proposed Place of Use

The water right is currently in the name of Eisenman Family Trust. The proposed place of use appears to be owned by two different legal entities. Almost all of Section 15 is listed under county tax lots in the name of Juniper Station Farm LP (about 3 acres in SENE Section 15 are listed under Richard Handke and will be assumed to be excluded from any possible transfer approval). The NE ¼ of Section 22 is also listed under Juniper Station Farm LP. The rest of Section 22 is found under the name of PKRM Development LLC. That entity was changed to Juniper Station Properties LLC in 2007 (Idaho Secretary of State information).

You are identified as the registered agent, general partner, and/or manager for Juniper Station Farm LP and Juniper Station Properties LLC. Because water rights are real property, IDWR must accurately identify legal owners of land and/or water rights when processing transfer applications. One of the following options can address ownership issues.

1. Do not include water right ownership change – leave the water right in the name of Eisenman Family Trust. Juniper Station Farm LP and Juniper Station Properties LLC should provide written authorization for Eisenman Family Trust to use the right on land not owned by the trust.
2. Include water right ownership change – put the water right in the names of the land owners at the proposed place of use. For example, this could be listed as “Juniper Station Farm LP and/or Juniper Station Properties LLC” in the IDWR water right record.
3. Either option requires proof of land ownership at the proposed place of use.

Completing Proposed Development in Reasonable Time

Apparently you want to drill numerous wells to establish a flexible irrigation system to accommodate possible land use changes over time. The standard amount of time to complete changes proposed under approved transfer applications is one year. An applicant can seek to justify more time than that based on credible information. However, it is unusual to find development periods beyond about two years for approved transfers.

Please provide information demonstrating how you will complete development proposed in your application within one or two years from the date of a transfer approval. This includes identifying the maximum number of wells to be drilled, construction of all proposed wells and installing an irrigation system capable of serving the place of use described in the application (50 acres within a 1280 acre area). The information is needed to document that a beneficial use is proposed in your application.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within thirty (30) days of the date of this letter.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

Please contact me at 334-2190 for an appointment and if you have any questions about this letter. Thank you for your prompt attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor