



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

May 14, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

LANDPRO
2364 S TITANIUM PL
MERIDIAN ID 83642

RE: Application for Transfer #73786

To Whom It May Concern:

It has come to my attention that W&H Pacific is no longer representing Dyver Development and that LandPro has an interest in the above referenced transfer. Please note that I sent the original application for transfer to W&H Pacific before the Department was aware that they are no longer representing Dyver Development. W&H Pacific informed me that they forwarded my correspondence along with the original application to Dyver Development over a week ago. You may want to contact W&H Pacific directly for information on what address they sent the correspondence and application to and when. It would be preferable to have the original application for our records.

The application for transfer has several issues that need to be addressed before we can move forward with processing the application. Please see the enclosed letter for a detailed description of the items that need to be addressed. In addition to the items listed in the letter, the application does need to be **signed and notarized** in order to be acceptable. I am returning a copy of the application for your reference and revision. If the original application doesn't turn up, then the revisions can be made on the copy I provided for you.

The Department will hold this application for **30 days** pending receipt of the revisions. If the Department doesn't receive a response within 30 days, the application will be returned as unacceptable and will not be processed.

If you have any questions regarding this matter, please contact me at 208-287-4944.

Sincerely,

A handwritten signature in cursive script that reads "Cherie Padilla". The signature is written in dark ink and is positioned above the printed name.

Cherie Padilla, Water Agent
Water Allocation Bureau

Enclosures



State of Idaho

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March 31, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

W&H PACIFIC
ATTN: SCOTT SHERROW
3501 W ELDER ST
SUITE 200
BOISE ID 83705

Copy

RE: Application for Transfer #73786 for Dyver Development LLC

Dear Mr. Sherrow:

Idaho Department of Water Resources (IDWR) is in the process of reviewing Application for Transfer of Water Right 63-3243 and some issues with the application have arisen that need to be resolved before proceeding. I have enclosed the original application along with the supporting documents for your reference and correction.

Please note that water right 63-3243 was split into two new water rights since your client does not own the entire right. Water right 63-32323 is the number assigned to the right Dyver Development has ownership of in accordance with the documentation we received from your office. Enclosed is a water right report for your reference. I corrected the water right number on part B on the first page of the application and am requesting this be acknowledged by initialing next to the correction.

In addition to changing the point of diversion for this water right, Dyver Development would also like to change the place of use. In order to proceed with this transfer we must have an accurate legal description for the new place of use. The current entry for the new place of use on page 1 is not consistent with the map on page 5.

As you'll notice, water right 63-32323 is for a total of 38.5 acres. Once again, the place of use entry of 84 acres is not correct. If your client wishes to move the entire water right, the entry should be 38.5 acres.

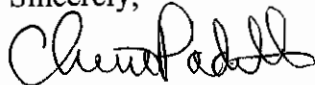
Lastly, the map I mentioned above outlines an area that exceeds 38.5 acres. Please resubmit a map for the new place of use that will remain within the recommended amount of 38.5 acres.

To summarize, these are the corrections that need to be made before proceeding with the Application for Transfer processing:

- Place of use **legal description** (page 1, part B5) correction
- Place of **use total acres** (page 1, part B5) correction
- Submit an **accurate map** for the new place of use that is within 38.5 acres
- **Initial** next to each correction made on the application
 - Water right number (page 1, part B1)
 - Legal description (page 1, part B5)
 - Total acres (page 1, part B5)

IDWR will hold the processing of this application until these issues are addressed. If you have any questions, please contact me at 208-287-4944.

Sincerely,

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

Cherie Padilla, Water Resource Agent
Water Allocation Bureau

Enclosures