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JUL 13 2004
Department of Water Resources

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WATER RESOURCES
WESTERN REGION

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July 9, 2004

VIA HAND DELIVERY

Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Hidden Island subdivision.

Dear Steve:

I am writing on behalf of my clients, Larry Flynn and his corporation, Rancho Del Rio, Inc. Specifically, I am writing regarding Hidden Island subdivision being developed by my clients in Eagle, Idaho. At this time, the plat for the subdivision has conditional approval. One of the conditions that must be satisfied is verification of the water right which will be used by three ponds proposed for that subdivision. At this point in time, the substantial resources have been committed toward the development of this land and there is a substantial cost and hardship to my clients in further delay, therefore, they request any available cooperation from the Department of Water Resources in expediting these processes.

The goals which I am striving to reach are: (1) immediate proof of a valid water right sufficient to support the ponds proposed in my clients' subdivision; and (2) initiation of formal water right transfer/modification proceedings to convert and apply an existing irrigation water right held by Larry Flynn toward use as the subject ponds within the Hidden Island subdivision. It is my understanding that the first of these goals can be accomplished by obtaining a certain amount of water from the Water Bank, and by application of the newly promulgated Idaho Code §42-223(10). The latter, I understand, will take place through established processes.

I have attached a site map which shows the three ponds. Those at issue are the three contained within lots 6 – 10 on the site map. The ponds have a total combined surface area of 2.3 acres. The ponds have a center depth of up to 10 feet. The sidewalls slope at 3 to 1 grade. The average depth volume can be calculated by utilizing the middle depth acreage of these ponds, which amounts to a combined total of 1.65 acres.

Mr. Flynn is the current owner of water right No. 63-7316 which is an irrigation water right with a total volume of 73.2 AFA. The water right is currently designated for use on the land which is subject to the subject development. Rancho Del Rio and Mr. Flynn intend to

change an appropriate amount of this water right to a use suitable for those ponds as indicated on the attached map.

By this letter, my clients:

(1) submit the accompanying application to rent water from the Water Supply Bank in order to provide the water necessary to fill the ponds;

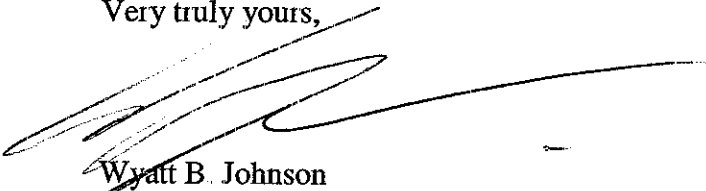
(2) submit a request pursuant to Idaho Code § 42-223 (10) for preliminary approval of a temporary mitigation, exchange, or transfer use of water right No. 63-7316 during the pendency of the processing of a formal transfer application (Per our previous discussion, it is my understanding that under the newly promulgated Section 10 of Idaho Code § 42-223, it is possible for Mr. Flynn to utilize, or avoid forfeiture, of any portion of his water right 63-7916, as mitigation or incident to a modification or transfer water right that may be attributable to the subject ponds.); and

(3) give notice of intent to file an application for transfer of water right 63-7316 to change the nature of the use of all or a portion of water right No. 63-7316 in the subject ponds as well as to transfer some or a portion of that right to the proper owner for the purposes of the Hidden Island Subdivision development.

Preparation of the application for transfer of water right is obviously a substantial cumbersome and time consuming process. In order to meet the immediate conditions of approval for the City of Eagle, My clients request, in the short term, that the Department of Water Resources, process the accompanying Water Bank application, approve Mr. Flynn's temporary use of Water right 63-7316, as proposed, and issue proof of the same which can be forwarded to the City of Eagle. Furthermore, it would be helpful to acknowledge that formal water right transfer proceedings have commenced.

I request that this approval be expedited with all due haste. You may contact me at (208) 384-8588 or the above stated address for any matters of concern which will be promptly addressed.

Very truly yours,



Wyatt B. Johnson
Attorney At Law

WBJ:krr
Enclosures
cc: Client

01/03

Before the Idaho Water Resource Board

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WATER RESOURCES
WESTERN REGION

**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

Applicant Rancho Del Rio, Inc. Phone 939-9179

Address P.O. Box 564

City Eagle State Idaho Zip Code 83616

A. DESCRIPTION OF WATER SOUGHT TO RENT

1. Source of water Ground water
tributary to _____
2. Maximum volume of water 16.5 _____ AF.
3. Maximum rate of diversion _____ cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use Fill up aesthetic ponds in residential
subdivision
2. Location of point of diversion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16,
Township 4N, Range 1E, B.M. Ada County.
3. Season of use: From 1/1 to 12/31
4. Description of diverting works:
Pump HP x Lift _____ Pump type Electric
Canal name, if appropriate _____
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

Water to be used for three ponds as depicted within lots
6 - 10 on the attached map. Ponds have combined surface
acreage of 2.3 acres, 3 to 1 slope sides and center depth
of 10'.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

The rented water is intended as short term water right
until transfer of a portion of water right. 63-7316 can be
accomplished.

7. Who owns the property at the point of diversion?

Rancho Del Rio, Inc.

8. Who owns the property at the place of use?

Rancho Del Rio, Inc.

9. Are you seeking a rental for more than one (1) year? No (yes or no)

If yes, for how many years? _____

10. Remarks: This application is made in combination with an

application for change of use which is being processed with

respect to water right No. 03-7316

July 9-04
 Date

[Signature]
 Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

- PROPOSED INDEX CONTOURS
PROPOSED INTERMEDIATE CONTOURS
EXISTING INDEX CONTOURS
EXISTING INTERMEDIATE CONTOURS
CONSTRUCTION LIMITS

PEAK	FLYBY (20-YEAR STORM, TC=10MIN)	FOR STORM CHAINED
MINIMUM CALIBRATION	DETERMINED	PISTON AREA (sq)

	MINORITY COEFFICIENT	DENSITY (lb./cu.)	BASE AREA (sq.)	PEAK FLOW (cu.-in./hr. or cc.)
Test 1—developmental	0.09	0.50	0.54	14.64
Test 2—developmental	0.06	0.50	0.54	0.54
design flow				0.50

NUMBER	DELTA	TAN	RAID	LENGTH
C1	53°06'06"	49.97	100.00	92.02
C2	90°00'00"	125.00	125.00	198.35

CURVE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 00°46'39" W	30.00'

LINE TABLE

CONSTRUCTION NEWS

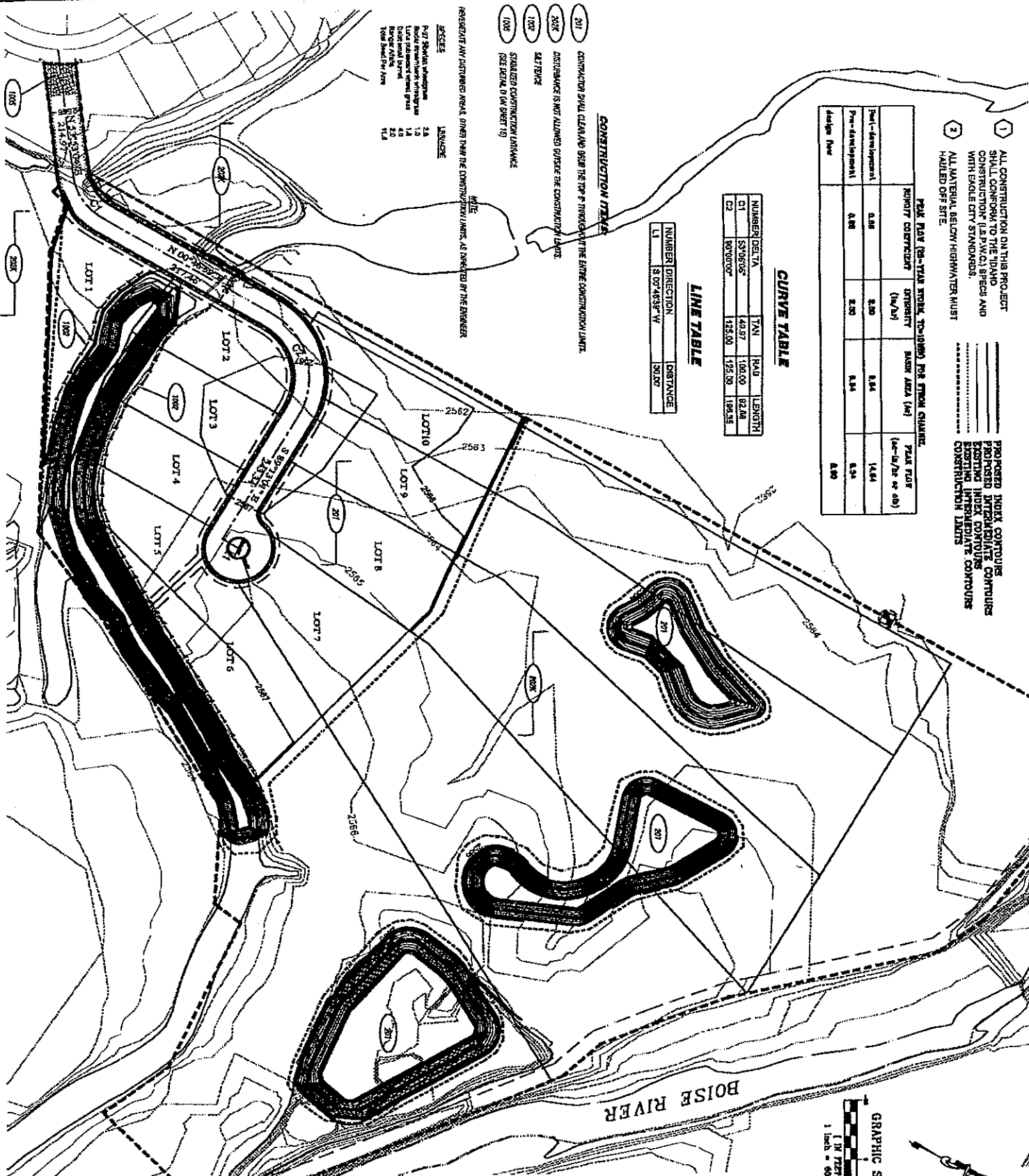
- 2011 CONSTRUCTION SHALL CEASE AND BEING THE TOP OF PROPOSED OF THE ADJACENT CONSTRUCTION LIMITS.
- 2002 DISTANCE IS NOT ALLOWED OUTSIDE THE CONSTRUCTION LIMITS.
- 1992 SETBACK
- 1982
- 1908 STABILIZED CONSTRUCTION LIMITANCE (SEE DETAIL TO DRAW SHEET 10)

REVEALATE ANY DISTURBED AREAS, OTHER THAN THE CONSTRUCTION LIMITS, AS DIRECTED BY THE ENGINEER

送

SECRET

P-377 Shortleaf white pine	2.5
Baker's burr oak	1.0
Large whitebark pine	1.4
California juniper	4.0
Bursera	2.0
Tongue tree	11.4



GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

BOISE RIVER

	DESIGNED BY: BMF	REVISIONS ① _____ ② _____ ③ _____ ④ _____ ⑤ _____	HIDDEN ISLAND SUB. LARRY FLYNN GRADING PLAN	
	REVIEWED BY: JMG			
	PROJECT NO: 21349			
	DATE: 2-18-04			
	FILE: DRAINAGE			