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RECEIVED

JUL 09 2004

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

RECEIVED

JUL 16 2004

Department of Water Resources

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;

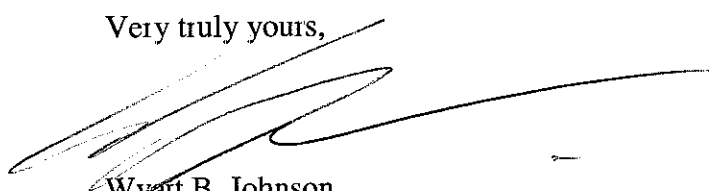
(2) submit a request pursuant to Idaho Code § 42-223 (10) for preliminary approval of a temporary mitigation, exchange, or transfer use of water right No. 63-7316 during the pendency of the processing of a formal transfer application (Per our previous discussion, it is my understanding that under the 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

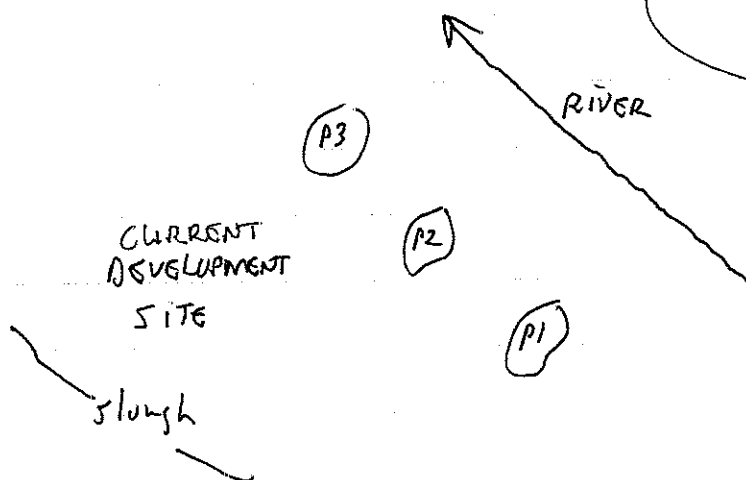
WBJ:krr
Enclosures
cc: Client

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Attorney's 7/2/04 office visit

NOTES

JL 7/14/04



- 3 Ponds, Remnants from gravel pits
- Natural fill from shallow ground water
- P1 in place many years
- P2,3 Recently done ... for development in process
- No pumping to ponds

Implications from Attorney's 7/9/04 letter/Application

3 ponds	cover	2.3	acres	
" "	capacity	16.5	AF	
" "	evap	8.2	AF	(if $43" \times \frac{1'}{12"} \times 2.3 \text{ acres}$)
TOTAL FILL + EVAP		24.7	AF	

NEED WR coverage c 25 AFA for fill/maintain ponds
from natural fill shallow ground water

Location - 4N 1E S. 16 NWSE = Plm 83-7316, Boise R.
1971 in license. No other in WR @ this site.
- upstream from STAR Bridge c Eagle Island.