



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

August 23, 2004

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Ilene Dobbin, Executive Director  
COCOA  
PO Box 463  
Marsing, ID 83639

Mirada Farms  
4770 Riverine PL  
Boise ID 83639

RE: Transfer #71191 Mirada Farms  
Approval Conditions

Dear Ms. Dobbin:

Enclosed are draft conditions of approval for Mirada Farms Transfer #71191. The Department utilizes standard conditions of approval on transfers to accommodate data entry format and help avoid conflicting interpretations. I have reviewed the "Attachment B-Conditions of Recommended Approval" submitted with your protest withdrawal. The following addresses "Attachment B" conditions relating to the enclosed Department's draft conditions:

-Attachment "B" Bullets #1, #2, & #5 outlines specific criteria and equipment to be utilized in monitoring well discharges, water levels, and reporting. The transfer draft conditions of approval #5, #6, #10, #13 address these concerns generally. Specifics will be provided by the applicant to the Department under condition #5.

-Attachment "B" Bullet #3 states that: *the Department of Water Resources shall retain jurisdiction over the transfer for a period of 15 years.....* Under the Statutes, the Department retains jurisdiction over the transfer in regard to impact on other water rights. However, the Department does not have the authority to determine impairment of water quality and violations related to water quality standards. This is outside the Department's jurisdiction.

- Attachment "B" Bullet #4 addresses water quality standards and zoning compliance. Transfer draft conditions of approval #11 & #12 address this condition.

- Draft condition of approval #16 acknowledges the agreement between the protestant and the applicant. It also states the transfer may be subject to separate conditions and limitations in an agreement apart from the Department.

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If parties feel the Department's draft conditions of approval are not acceptable in accordance with their settlement, a written objection can be submitted to the Department. Parties will be informed the protest is not considered withdrawn, and the application remains an active contested case. Parties have further opportunity to negotiate. (ref. IDAPA 37.01.01.612)

Please review the enclosed draft conditions of approval for Transfer #71191. If the conditions are not acceptable to either party, a written objection must be filed within 14 days of this letter service. The Department will continue processing the transfer application if no objections are received..

Should you have any questions please contact me at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra  
Western Regional Manager

Enclosure

cc: Darwin Vander Stelt  
H. Nederend

8/30/04 Ilene Dobbin - voice mail  
JFW/ Conditions are acceptable per letter 8/23 (letter done)