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FEB 06 2007

DEPARTMENT OF
WATER RESOURCES

February 2, 2007

Matt Anders
Idaho Department of Water Resources
Western Region Office
322 E. Front St
Boise, ID 83720-0098

Re: Spring Canyon Ranch, LLC – Notices of Error

Dear Mr. Anders:

Below are our responses to your 1/22/07 email regarding the NOE's for Spring Canyon Ranch, LLC.

Spring Canyon Ranch Place of Use-

We are submitting a shapefile that outlines the claimed 190 irrigated acres, as well as the locations of claimed points of diversions.

37-2142-

The correct POD is shown on the attached 2004 NAIP aerial photograph. The claimed POU for 37-2142 was calculated at 122.4 acres because the ditch and distribution system from Hot Springs Gulch is capable of providing irrigation water to 122.4 acres. The combined limit place of use for this right should be 190 acres.

37-4138-

Historical use of 37-4138 is from the Hailey Hot Springs, which flows into Democrat Creek and fills the storage pond north of the Croy Creek Road. To disallow use of this right is incorrect. To our knowledge this pond has been in use since the inception of use of the hot springs, we are currently researching the historical files of the Blaine County Museum. Attached is a 1957 aerial photo showing that the pond was in use. The combined limit place of use for this right should be 190 acres.

37-4139-

Historical use of 37-4139 is from the Hailey Hot Springs, which flows into Democrat Creek and fills the storage pond north of the Croy Creek Road. On 2/6/87, transfer #3282 approved the use of 0.5 cfs (10/1 – 4/15), 0.3cfs (4/15 – 10/1), and 3 acre-feet (1/1 – 12/31) for storage for fish propagation and recreation uses. Transfer #3282 also states 37-4139 has a priority date of 1929. To disallow use of this right would disagree with and oppose the approved transfer #3282. The 10/5/06 amended claim accepted by IDWR also

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lists the POU as the NESE $\frac{1}{4}$ NWSE $\frac{1}{4}$ and SESE $\frac{1}{4}$ of Sec.18 T.02N R.18E. The claim on the IDWR website lists the POU for 37-4139 as the **NENE** $\frac{1}{4}$ **NWNE** $\frac{1}{4}$ and SESE $\frac{1}{4}$ of Sec.18 T.02N R.18E, which does not match the filed claim. Please amend the claim on the IDWR website to show the correct POU for 37-4139.

37-4440-

With regards to “work done” by IDWR on the depth of the pond, evidence of any “work done” must be available only in your file as we couldn’t find any description or evidence of “work done” on the pond in the water right back file. The surface area of the pond is 1.6 acres, although it needs to be cleaned out, leaving a true depth of approximately 6 feet. If this is the case, the volume of the pond would be 9.6 acre feet. Although the pond’s approximate volume is 9.6 acre feet, water is continually flowing in and out of the pond. 500 acre feet were claimed (equated by multiplying the claimed diversion rate of 0.69 cfs by 365 days), and the recommendation should be changed to match the claimed volume.

0.31 cfs represents the diversion rate in one out of three wells present, and does not accurately describe the total diversion rate that originates from the 3 wells claimed under 37-4440 (see remarks in original claim 12/3/1987, and addendum to claim in water right back file regarding 3 flowing wells). The diversion rate should be 0.69 cfs as was claimed and the accompanying allowable acreage should be increased to 35 acres (at 1 inch per acre). The IDWR shapefile also lists 3 POD’s total for 37-4440, 2 POD’s and 1 re-diversion. The shapefile should be changed to show 3 POD’s which represent 3 wells. The combined limit place of use for this right should be 190 acres.

37-12396

Historically, 37-12396 has been used to fill an upper reservoir by collecting inflow from Democrat Creek and Lamb’s Gulch Creek. The outflow out of the reservoir is Democrat Creek. The attached 1957 aerial photo also shows the reservoir with storage water in it. Unfortunately, we don’t have a 1947 aerial photo for this same area. The combined limit place of use for this right should be 190 acres.

If you have any questions regarding the enclosed documents, please feel free to give our office a call.

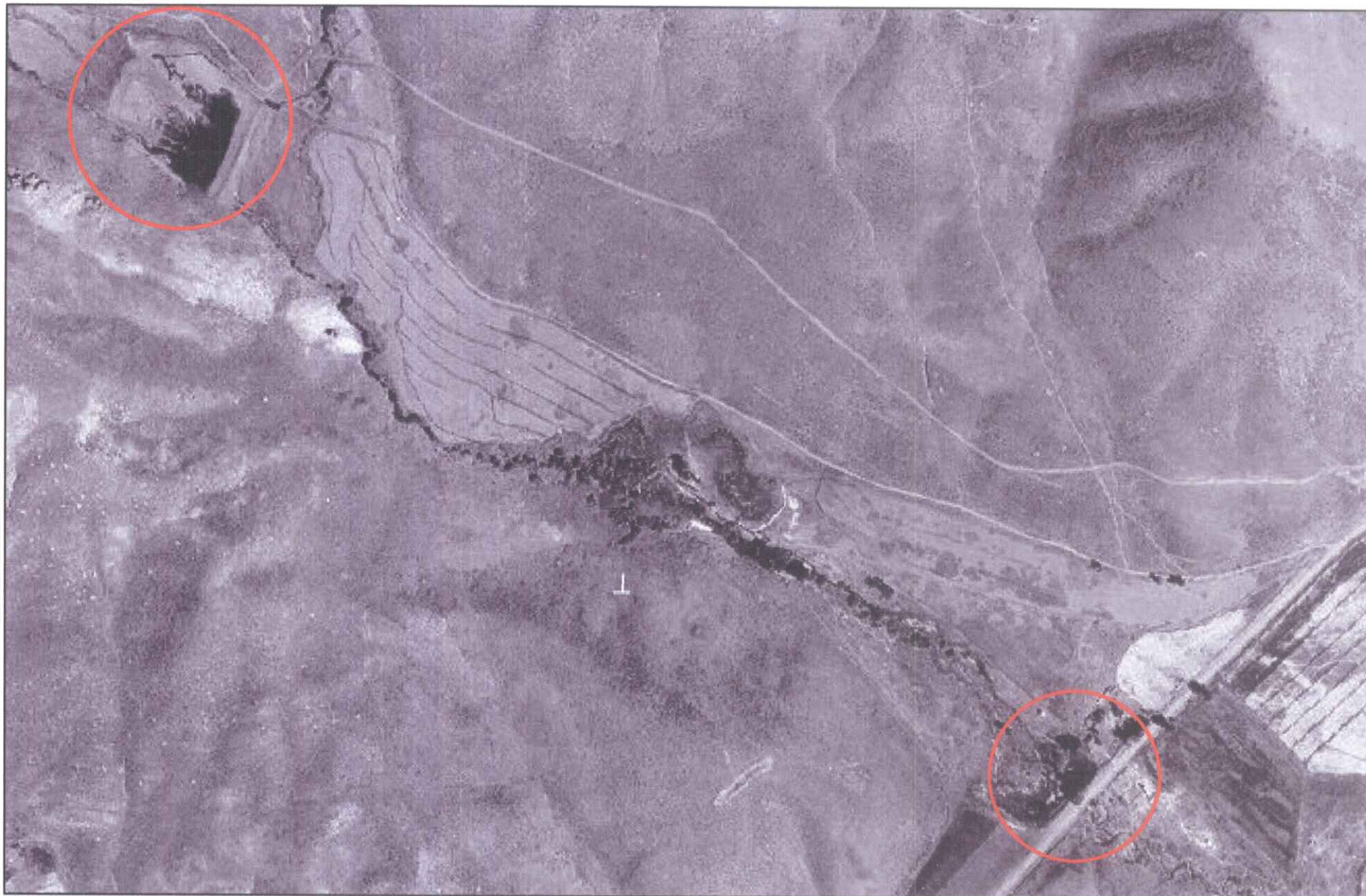
Sincerely,

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

Charles E. Brockway P.E. PhD

Attachments: 1957 Aerial Photograph of Democrat Gulch

cc: Kevin Beaton
Mark Meyer
Paul Fay



0 0.05 0.1 0.2 Miles

BROCKWAY ENGINEERING, PLLC.
ZL- 2/1/07
F:\Projects\Fay, Paul - Democratic Gulch\Arcview 9

SPRING CANYON RANCH, LLC.
T.02N., R.18E. SEC 18
1957 AERIAL PHOTO
UPPER RESERVOIR AND
LOWER POND SHOWN

Legend

1957 Mid.jpg
Value

