

Grimm, Angie

From: Grimm, Angie
Sent: Friday, January 31, 2020 12:29 PM
To: 'Cindy Hallen'
Cc: Spackman, Gary; Keen, Shelley; Hummer, Phill; Dalglish, Alex; 'jrigby@rex-law.com'
Subject: RE: FW: Little Fourth of July water

Mrs. Hallen,

Good afternoon. Gary asked me to respond to your most recent email. Thank you for the additional information you provided below. This information will be placed in the file for permit application no. 75-14951. Generally, IDWR does not conduct site visits for permit applications, because it is the applicant's burden to provide sufficient information to demonstrate there is sufficient water available for the proposed use and that the proposed use will not injure existing water rights. IDWR is currently reviewing information the applicant provided along with the information you and the other interested parties supplied regarding sufficiency of supply and injury. Once IDWR's evaluation is complete, IDWR will issue the decision to the Stenlunds and send a copy of the decision to all the interested parties (yourselves, the Schulers, and Mr. Vetrhus) and Mr. Rigby. If you have additional questions regarding the status of this permit application, I encourage you to contact me.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Section Manager
IDWR - State Office
322 E Front St Ste 648
Boise, ID 83702-7371
(208) 287-4951 phone
(208) 287-6700 fax

From: Cindy Hallen [<mailto:cin.hallen@gmail.com>]
Sent: Thursday, January 30, 2020 1:18 PM
To: Spackman, Gary <Gary.Spackman@idwr.idaho.gov>
Subject: Re: FW: Little Fourth of July water

RE: Water Right Application #: 75-14951 " Stendland"

Good Afternoon Mr. Spackman,

First of all, we want to thank you for expressing interest regarding our concerns for any new water right (of any size or kind) to the above referenced application name and number.

We have been patiently waiting for some sort of determination. We last spoke with Mr. Alex Dalglish on October 28th. At that time, he indicated that the IDWR had indeed received the requested documents from applicant, Stendlund (*official water measurements by: Upper Salmon Basin Watershed*) at the end of September, and that his supervisor had the file and would be making a decision soon. He also noted that the

office was shocked at how little water there actually was in the tiny creek, which we have been saying all along. We have invited the IDWR out on three occasions to inspect the creek for themselves, this has yet to happen.

Our concerns and fears remain the same, ANY new water right allocated of ANY size. Even if potential restrictions that may be imposed. This would nonetheless take water from us, ours being the most senior right on this tiny creek and being down stream of applicant's property and would damage us 100% of any water allocated to applicant "Stendlund". There is simply not enough water for this request!

We were told by voicemail from Alex Dalglish this last Tuesday, January 28th, some three-months later, that the un-named supervisor continues to have the file and needs to have a meeting with you before any determination is made.

We are once again appealing to you and your office to not allocate or give any new water right on the Little 4th of July Creek, North Fork Idaho.

We are leaving Saturday February 1st for a 5-week mission trip to Kenya, Africa and was hoping to have some clarity prior to us leaving. If this is not possible, as we know that you are very busy, and with the state legislators amending and making new laws, has most Idaho government offices tied up. We will have limited phone and intermittent email available as network allows.

Thank you very much for your "listening ear" to our valued concerns.

Cindy Hallen
cin.hallen@gmail.com
208 993-9009

PS

In the meanwhile, we have Mr. Jerry Rigby of Rigby, Andrus & Rigby Law, PLLC in Idaho Falls up to speed on our concerns and opposition to any water right being allocated to applicant, Stundland. In our absence he can be reach at:

Jerry Rigby
jrigby@rex-law.com
Assistant:
Mandy Davis
mdavis@rex-law.com

P.O. Box 250
Rexburg, ID 83440
208-356-3633

On Fri, Aug 30, 2019 at 5:01 PM Spackman, Gary <Gary.Spackman@idwr.idaho.gov> wrote:

Cindy,

I found the scanned application for a water right you refer to and other supporting documents on the Idaho Dept of Water Resources' electronic files. I don't think the application has been approved. I sent the following inquiry to staff. Staff should be able to consider your concerns when they return from the three-day weekend.

Gary Spackman

From: Spackman, Gary
Sent: Friday, August 30, 2019 4:57 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>; Dagleish, Alex <Alex.Dagleish@idwr.idaho.gov>
Cc: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: FW: Little Fourth of July water

Folks,

We've received the following from another user of water from Little Fourth of July Creek. Let's talk about the expressed concern of water sufficiency prior to any approval. Thanks.

Gary Spackman

From: Cindy Hallen [<mailto:cin.hallen@gmail.com>]
Sent: Friday, August 30, 2019 2:06 PM
To: Spackman, Gary <Gary.Spackman@idwr.idaho.gov>
Subject: Re: Little Fourth of July water

Water Application #83413 for New Water Right # 75-14951

(no sure why this failed to appear in the subject line)

On Fri, Aug 30, 2019 at 2:03 PM Cindy Hallen <cin.hallen@gmail.com> wrote:

Good afternoon Mr. Spackman,

We are writing you in regard to the above referenced application for a new water right.

We are appealing to you as director, as this right has not yet been approved.