

RECEIVED

Form 202A 07/13

JAN 19 2016

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESID No. TP-37-74**APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION**

(For a use not intended to become an established water right, not to exceed a total diverted volume of five (5) acre-feet, and not to exceed one (1) year duration in accordance with Section 42-202A, Idaho Code.)

Name of applicant: ARTHUR AND ELLEN RUBINFELDPhone: 206 324-4575Mailing address: 1670 BROADMOOR DRIVE EASTCity: SEATTLEState WAZIP 98112Email: elrub@me.com1. Source of water: GROUNDWATER

tributary to _____

2. Location of point(s) of diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
03N	18 E	18			NW	NE	BLAINE	GROUNDWATER	
03N	18E	18			NW	NE	BLAINE	GROUNDWATER	

3. Location of place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	17E	14									.2					1.3			

4. Describe proposed use of water: Revegetation of landscape due to fire damage.

5. Amount of water:

Maximum rate of diversion _____ cfs or _____ gpm.

Maximum daily volume .07 AF; total volume 3.5 AF.6. Duration of diversion: from May 10, 2016 (day-month) to October 15, 2016 (day-month).7. Describe proposed diverting works: HOA owned and operated wells and distribution8. a. Who owns the property at the requested point of diversion? Greenhorn HOAb. Who owns the land to be irrigated or place of use? Arthur and Ellen Rubinfeld

c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water:

9. Additional remarks: We planted 40 new trees and 300 seedlings in Spring 2015. Our water allotment from Greenhorn HOA is only 521,440 gallons for May- October. Unlike some other homeowners, we do not have additional water rights.

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

Signature of applicant

Date

Received by

Date

Time

\$50.00 fee received by

#

Date

Watermaster comments received?

Date

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202A, Idaho Code, and has determined that:

☐ A. The application for temporary approval should be denied.

☒ B. The application for temporary approval should be approved, since

1. The temporary approval can be properly administered.
2. Other water sources are not readily available.
3. The approval is in the public interest.
4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

☐ A. DENIED

☒ B. APPROVED, subject to the following conditions:

1. Diversion and use of water under this approval is subject to all valid existing water rights.
2. The applicant assumes all risk the use of the water under this approval may injure other water rights.
3. This approval authorizes a maximum diversion of 3.5 AF and a maximum rate of diversion of 0.04 cfs.
4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
5. The department may cancel this approval at any time if the department identifies injury to other water rights.
6. This approval does not create a continuing right to use water.
7. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.

8. Other: See attached sheet for Additional
Conditions of approval

9. This approval expires on 10/15/2016.

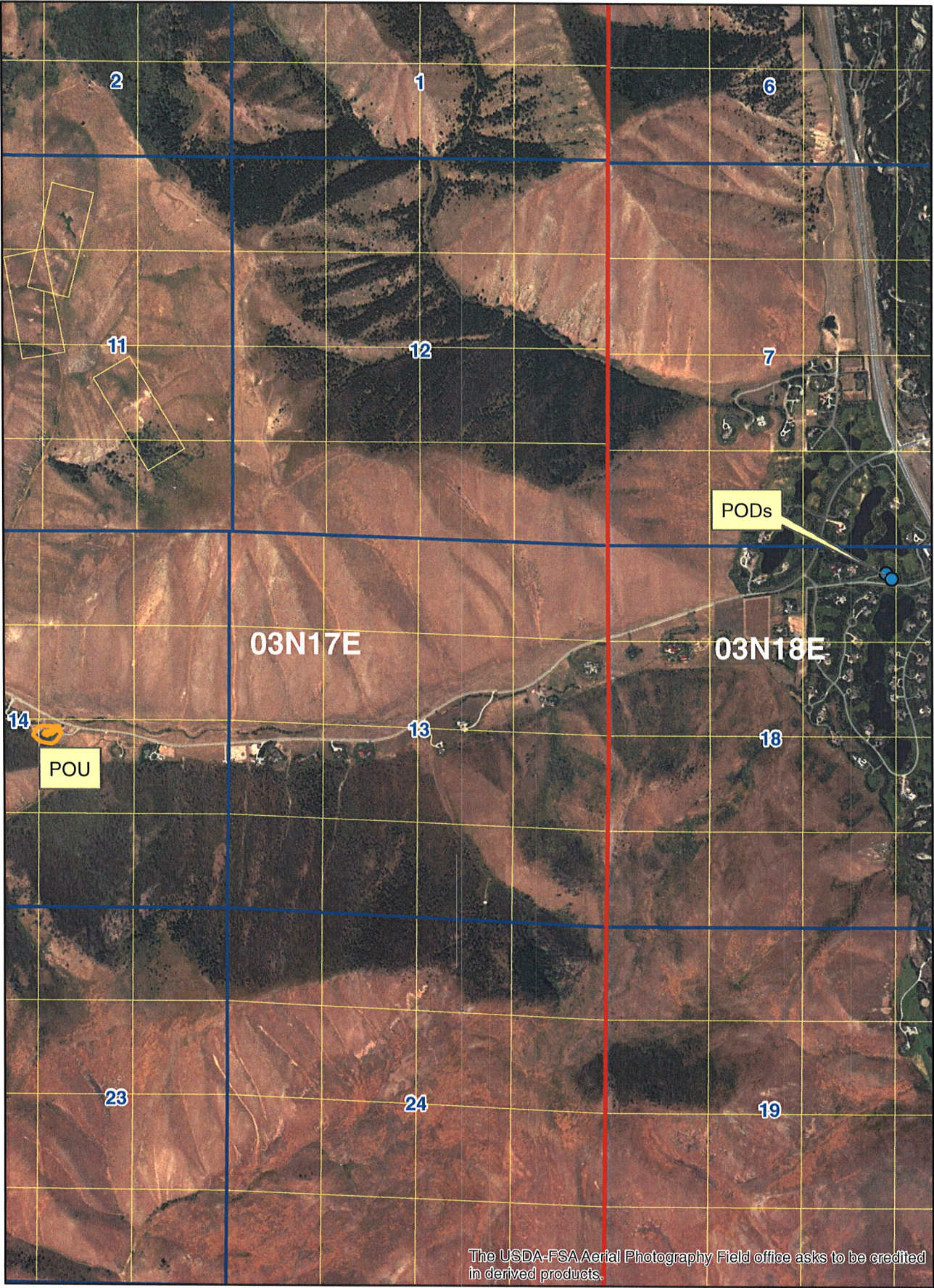
Signed this 26th day of January, 2016.

For the Director

ADDITIONAL CONDITIONS OF APPROVAL FOR TEMPORARY
PERMIT NO. TP-37-74

- Subject to regulation by watermaster of Water District 37.
- Subject to regulation and agreement of Greenhorn Owners Association Inc.
- Water diverted shall be measured and accounted for in a manner acceptable to the Greenhorn Owners Association Inc.
- This temporary permit is authorized pursuant to Section 42-202A, Idaho Code. Section 42-202A(5) states that a temporary permit shall only be granted for a use not intended to become an established water right and does not create a continuing right to use water. This permit is similar to temporary permits TP-37-60 issued in 2014 and TP-37-62 issued in 2015 for vegetation rehabilitation of the 2013 fire in Greenhorn Gulch. **NOTE that no additional temporary permit will be issued for vegetation rehabilitation beyond 2016. If water is needed beyond 2016, water must be sought through other means which may include rental of water through the Idaho Water Resource Board Water Bank.**

Rubenfeld - Application for Temporary Appropriation



Ellen Rubinfeld
241 Greenhorn Road
Hailey, Idaho 83333

RECEIVED
JAN 19 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

January 05, 2016

IDWR
650 Addison Avenue West
Twin Falls, ID 83301

Re: Greenhorn Gulch Fire and Flood Restoration
Application for Temporary Approval of Water Appropriation

Please find our Application for Temporary Approval of Water Appropriation, an approval letter from the Greenhorn Homeowners Association Board of Directors, and a \$50. processing fee check.

In May 2015, we planted 40 trees and 300 seedlings to replace the burned and felled trees, which were destroyed in the fire of 2013. Our water allotment from Greenhorn HOA is only 521,440 for May- October. Unlike other homeowners in Greenhorn, we do not have additional water rights.

Additional water is needed to establish the new landscaping for the 2016 Spring and Summer seasons.

I hope all is in order and approval will be granted.

Thank you for your assistance and understanding.

Sincerely,



Ellen and Arthur Rubinfeld
208 788-1558

GREENHORN HOMEOWNERS ASSOCIATION

P.O. Box 3534

Ketchum, ID 83340

RECEIVED

JAN 19 2016

**DEPT OF WATER RESOURCES
SOUTHERN REGION**

January 6, 2016

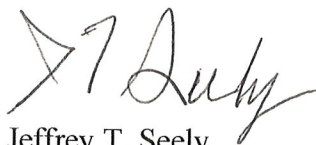
IDWR
540 Addison Avenue West, Suite 5
Twin Falls, ID 83301

The Greenhorn Homeowners Association board members have unanimously approved the following application:

Temporary Water Rights Application: Arthur and Ellen Rubinfeld- in process

This application has been approved with the knowledge that at any time during this irrigation season, the Association has the rights and responsibility to curtail water usage for these rights if the Association water delivery system is negatively impacted or unable to deliver water to all or any of the Greenhorn homeowners.

Thank you.



Jeffrey T. Seely
President
GHA Board of Directors

Cc: Ellen and Arthur Rubinfeld



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 26, 2016

ARTHUR RUBINFELD
ELLEN RUBINFELD
1670 BROADMOOR DRIVE EAST
SEATTLE, WA 98112

RE: Temporary Water Right Application: TP-37-74

Dear Applicant(s):

Enclosed is a copy of the above referenced approved Application for Temporary Approval of Water Appropriation Permit.

If you have any questions, please feel free to contact this office, and any of our agents will be able to assist you.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in black ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

cc: Kevin Lakey, Water District 37 (*via e-mail*)
Greenhorn Homeowners Association

Bitzenburg, James

From: Kevin Lakey [watermanager@cableone.net]
Sent: Monday, January 25, 2016 9:29 AM
To: Bitzenburg, James
Subject: RE: Rubenfeld Temporary Application - Greenhorn Gulch

Jim,

As long as this is the last year, I am good with the application.

Kevin Lakey

From: Bitzenburg, James [<mailto:James.Bitzenburg@idwr.idaho.gov>]
Sent: Friday, January 22, 2016 2:52 PM
To: Kevin Lakey
Subject: Rubenfeld Temporary Application - Greenhorn Gulch

Kevin-

Our office has received another Application for Temporary Appropriation (attached) in the Greenhorn Gulch Subdivision between Hailey and Ketchum. Arthur and Ellen Rubenfeld have filed previous Temporary Applications and one of the conditions that Allen will be placing on the approval will be that 2016 is the last year we will grant these. Please let me know if you have any comments on this application. Thanks.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov