

Cefalo, James

From: Cefalo, James
Sent: Wednesday, December 04, 2019 3:24 PM
To: 'rcstew@plmw.com'
Subject: Application for Permit 13-8038 (Blue Skies Ranch LLC)
Attachments: Amended Application 13-8038.pdf

Mr. Stewart,

On March 29, 2019, Donald Kenney and Blue Skies Ranch filed Application 13-8038 with the Idaho Department of Water Resources, seeking a permit to divert 0.12 cfs from a spring tributary to the Bear River for stockwater and domestic use. The application was protested by PacifiCorp and the Bear River Water Users Association. On August 5, 2019, IDWR conducted a pre-hearing conference for the protested application. Kenney and Blue Skies Ranch were represented by attorney Jerry Rigby. During the conference, the parties discussed the historical use of water on the property. The protestants agreed to withdraw their protests against the application if it were limited to in-house domestic use at three homes. Mr. Rigby agreed to amend the application to incorporate the changes proposed by the protestants.

The amended application has not yet been filed. On October 7, 2019, I sent an email to Mr. Rigby, reminding him of the need to file an amended application. He responded that he would coordinate with Kenney and Blue Skies, but the amendment has still not been filed. I know Mr. Rigby is busy with other matters. I would like to move this case forward to a final resolution. Therefore, I have prepared the attached amended application for your review. I copied much of the language from the original application. The application was amended to remove the stockwater element and to describe in-house domestic use at three homes. If the amendment accurately describes the changes you would like to make to Application 13-8038, please have Kenney and Blue Skies sign the application and email me a copy of the signed amendment.

James Cefalo
Regional Manager
IDWR Eastern Region
(208) 525-7161

Cefalo, James

From: Cefalo, James
Sent: Monday, October 07, 2019 10:35 AM
To: Jerry Rigby
Cc: 'Morris, Buffi'; 'Randy Budge'
Subject: Application for Permit 13-8038 (Blue Skies Ranch)

Jerry,

On August 5th, we held a pre-hearing conference for Application 13-8038. The application proposes to divert 0.12 cfs from an unnamed stream tributary to the Bear River for domestic and stockwater use at three homes and a dairy. During the conference, you agreed to amend the application to only describe in-house domestic use for three homes and agreed to remove the proposed dairy use. The dairy has been out of operation for many years. The protestants indicated that they would be willing to withdraw their protests if the application were limited to in-house domestic use at three homes. I haven't received the amendment yet. I just wanted to provide a reminder of the proposed amendment.

James Cefalo
Regional Manager
IDWR Eastern Region
(208) 525-7161

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 13-8038

Priority: March 29, 2019

Maximum Diversion Rate: 0.04 CFS

This is to certify that

DONALD KENNEY AND
LYNETTE KENNEY
249 N WESTWOOD
MESA AZ 85201-6316 AND

SPARROW FARMS LLC
3292 W 800 S
WESTON ID 83286-5026

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: UNNAMED STREAM

and a permit is APPROVED for development of water as follows:

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

SPRING SW¼ SW¼ SW¼, Sec. 25, Twp 15S, Rge 38E, B.M. FRANKLIN County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
15S	38E	25												X				

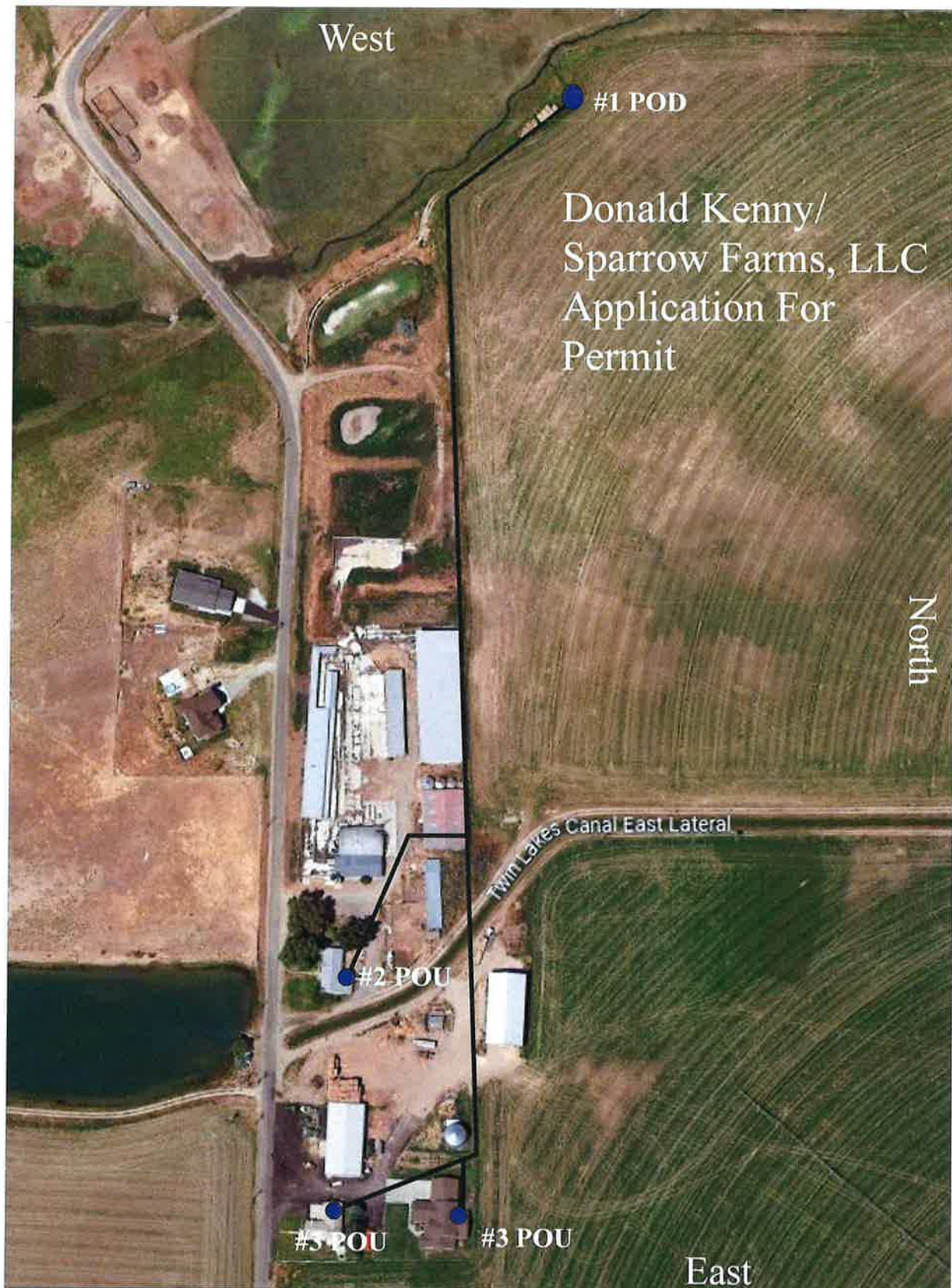
Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2021**.
2. Subject to all prior water rights.
3. Domestic use is for 3 homes and does not include lawn, garden, landscape, or other types of irrigation.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this _____ day of _____, 20____.

JAMES CEFALO
Eastern Regional Manager



Legend	#1 POD Existing Spring	42 degrees 04'59N 111 degrees 58' 00" W
	#2 POU Existing Home	42 degrees 04'56N 111 degrees 58' 00" W
	#3 POU Existing Home	42 degrees 04'56N 111 degrees 57' 56" W
	#4 POU Existing Home	42 degrees 04'57N 111 degrees 57' 56" W
	Existing Pipelines	