

MEMORANDUM

Date: May 17, 2018
To: Water Right File 37-7787
From: Michele Edl
Re: request for information

On Thursday April 26, 2018, as part of office day duties, I had a lengthy phone conversation with Ms. Susan Matthes. She owns property with an appurtenant water right at 210 Lava St in Ketchum Idaho, and had seen signs of new development in the area that would impact her access to her water right.

Ms. Matthes requested copies of Idaho statutes that could be used to defend her right. She also asked that I provide those same statute references to specific personnel at Blaine County and the City of Ketchum.

As follow-up to that phone call, I sent Ms. Matthes through traditional mail, a copy of aerial photography showing her Lava St. property, a 'proof report' summarizing her water right, and a copy of a relevant statute. I emailed similar information to the specific county and city personnel that she had contacted prior to our phone conversation. I also called the B37 watermaster, Kevin Lakey and asked if he knew of construction in that area that would impact Water Right 37-7787. I summarized my phone conversation with Ms. Matthes and the steps I had already made on her behalf. He agreed to visit the area soon and to let me know what he found

On April 30, 2018, I received phone message from Ms. Matthes thanking me for the information that I had sent her. She also requested that if it was possible, could the watermaster connect with her before his visit. I called Kevin Lakey, forwarded that request and provided him with Matthes' contact information. He said he would give them a call.

Ms. Matthes' is currently living with a son, Earnest Matthes, in Bellevue Idaho. Their phone number is 208-788-2116.

Kevin Lakey visited the site mid-week of the first week in May 2018. He phoned me afterwards and shared that he did find a cistern and that it was full of water, but that he was unable to locate the spring source of that water. He also stated that the cistern did appear to provide water to a shed-like building which is still standing on the property. That structure is visible in aerial photography.

Edl, Michele

From: Abby Rivin <ARivin@ketchumidaho.org>
Sent: Friday, April 27, 2018 9:41 AM
To: Edl, Michele
Subject: RE: Susan Matthes water right access

Hi Michele,

Thanks for the email regarding water right #37-7787. The subject site is currently undeveloped, but the City is anticipating the submittal of a design review application for a new single-family residence on the property. Please keep me updated as to the watermaster's site visit next week. Thanks and have a great weekend!

Best,
Abby

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Thursday, April 26, 2018 2:54 PM
To: Abby Rivin <ARivin@ketchumidaho.org>; khilt@co.blaine.id.us
Subject: Susan Matthes water right access

Abby Rivin, Kristine Hilt,

I received a phone call from a Susan L Matthes this morning. She was concerned that proposed construction in the Lava St Subdivision would eliminate access to the source of her water right #37-7787. I have verified that she does have a water right appurtenant to her property at 210 Lava St in Ketchum and that her property is surrounded by property owned by Parker Gulch LLC (possibly the developer). The spring source of her water right appears to be within the Parker Gulch LLC property.

I promised Susan Matthes that I would connect with 'Abby' at planning and zoning for the City of Ketchum and 'Kristine' at Land Use for Blaine County. I believe you are the Abby and the Kristine that she referenced and the purpose of this email is to fulfill my promise to her.

As you both are probably aware, these types of situations quickly become lawsuits. I have asked the watermaster to pay the site a visit next week and confirm if there is already a problem getting delivery of water from the spring.

Meanwhile, I am sending Susan Matthes a map, a summary of the elements of her water right and a copy of the first statute that came to mind during our phone call. <https://legislature.idaho.gov/statutesrules/idstat/Title42/T42CH9/SECT42-902/>

At 91 years of age, she certainly has all of her mental faculties working for her. Thank you for fielding her request and forwarding her to IDWR.

Best Regards,

Michele Edl
Sr WAater Resource Agent and theThursday Agent-of-the-Day
IDWR
State Office
322 E Front St
Boise ID 83720

Edl, Michele

From: Kristine Hilt <khilt@co.blaine.id.us>
Sent: Thursday, April 26, 2018 5:33 PM
To: Edl, Michele; arivin@ketchumidaho.org
Subject: RE: Susan Matthes water right access

Hi Michele,

Thank you so much for speaking with Susan. She is the sweetest elderly lady. She came in and explained her situation to me but unfortunately I felt like I couldn't help her since it had to do with the delivery of her water. Thank you for taking the time to understand her issue and look into it. This property lies within Ketchum's jurisdiction but I wanted to help any way I could. Let me know if I can be of further assistance in any way.

Regards,

Kristine Hilt CFM

Code Compliance Specialist
Certified Floodplain Manager
Blaine Co. Land Use & Building Services
219 1st Ave South, Suite 208
Hailey, Idaho 83333
(208) 788-5570

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Thursday, April 26, 2018 2:54 PM
To: arivin@ketchumidaho.org; Kristine Hilt <khilt@co.blaine.id.us>
Subject: Susan Matthes water right access

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Michele Edl
Sr WAater Resource Agent and theThursday Agent-of-the-Day
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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 26, 2018

SUSAN L MATTHES
405 E CHESTNUT ST
BELLEVUE ID 83313

RE: April 26, 2018 request for information

Dear Susan L. Matthes:

It was a pleasure to speak with you this morning.

Situations such as the one you are facing, quickly become civil law suits. So it would be good for you to discuss your concerns with your attorney. I have enclosed a copy of the statute that came to mind during our discussion. Your attorney will likely know of others.

I have also contacted the Basin 37 watermaster. He will be in the Ketchum area next week and he promised to check out construction by the Lava Street subdivision for its impact to the system established to deliver your water right 37-7787.

For your quick reference, I have attached a map which illustrates your property in Ketchum and a print out from IDWR's database which summarizes the elements of your water right.

Thank you for bringing this to our attention.

Respectfully,

Michele Edl
Sr Water Resources Agent

Enclosures

