

## MEMORANDUM

**DATE:** May 26, 2017

**TO:** Water Right File 63-32016

**FROM:** Shelley W. Keen <sup>SWK</sup>

**RE:** Phone conversation with Randy Fowers

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Today I spoke on the telephone with Randy Fowers (208-859-3414) of the Paradise Homeowners Association ("PHOA") board. Mr. Fowers was surprised by my May 15, 2017, letter to PHOA regarding the measuring device requirement for lapsed permit no. 63-32016. He does not think a measuring device or lockable controlling works should be required because the water use is non-consumptive and, therefore, unlikely to be regulated to satisfy senior water rights. I explained that the need for regulation is determined on case by case basis, depending on which water rights may be injured, and that installation of measuring devices and lockable controlling works allow for regulation, should it be deemed necessary in a particular instance.

Mr. Fowers also stated that IDWR's enforcement of the measuring device and lockable controlling works requirement has recently stiffened in the upper reaches of the Boise River system, and permit no. 63-32016 is being treated differently than other water rights established by PHOA in the past. I concurred with Mr. Fowers and reminded him that IDWR's August 15, 2014, *Final Order* in the Matter of Requiring Measuring Devices and Controlling Works for Diversion in Water District No. 63, Boise River and Tributaries, marks a change in IDWR's perspective.

Mr. Fowers stated PHOA would likely comply with the measuring device and lockable controlling works requirement and then seek reinstatement of the permit.