



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 10, 2015

FAULL RANCH ESTATES OWNERS ASSN INC
PO BOX 88
HORSESHOE BEND ID 83629

RE: Water Appropriation Permit No. 65-13708

Dear Permit Holder:

The Department of Water Resources (Department) is reviewing the above referenced permit so we can issue a license for the uses developed. On June 18, 1999, Department staff conducted a field exam on a pond in Block 1, Lot 10 of Faull Ranch Subdivision Number 1. Our records show this lot is currently owned by Richard and Kathleen Keyes. Permit 65-13708 allows year round use of the pond from and unnamed stream has the following condition:

The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

The field examiner described a measurement device on the unnamed stream entering the pond, but stated that there was no measurement device on the stream that exits the ponds. You must resolve this issue before a license can be issued. Pursuant to Idaho Code § 42-219(8), if the conditions of approval on a permit are not complied with, the Department may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

You have some options to resolve this issue. You can submit documentation that you have complied with this condition and the field examiner was not informed of the compliance at the time of the exam, you can install the required measurement device and submit documentation of the installation, or you can request removal or waiving of the measurement requirement from your permit.

Documentation proving compliance should include pictures of the measurement devices both upstream and downstream of the pond, and the date of installation. If you request removal or waiving of the measurement requirement, you should also submit documentation that this request would be acceptable to the watermaster of Water District No. 65. If you request a waiver of the measurement requirement, the Department will consider your request and notify you of the decision in writing. In order to waive a measurement requirement, the Department must be confident that the facility can be properly regulated to avoid over use of the water rights regardless of the recommendation of the watermaster.

The Department will withhold further action on your permit for thirty (30) days or by September 5, 2016. If we do not receive a response from you by this date, I will take action to void your permit under the provision of Section 42-219(8) of the Idaho Code. If you decide that you are no longer interested in pursuing this permit, you can shorten the voiding process by completing the enclosed relinquishment form the permit return it to the Department. If you do relinquish the permit, you will not be able to keep the pond full during the non-irrigation season, and you would need to ensure that the pond size not exceed the amount of water that can be diverted under your irrigation rights within a 24 hour period.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,



Daniel A. Nelson

Staff Hydrologist

Idaho Department of Water Resources

Telephone # (208) 287-4856

Fax (208) 287-6700 (C/O Dan Nelson)

Email dan.nelson@idwr.idaho.gov

Enclosure: Relinquishment of Permit Form

CC RICHARD W. KEYES AND KATHLEEN C. KEYES
92 COOK GULCH RD
HORSESHOE BEND ID 83629