

MEMORANDUM

DATE: September 15 & 27, 2016

TO: File 63-10560

FROM: Ashley Newbry

RE: Conversation Memo: Ligenza and Burney

On September 15, 2016, Ray Ligenza of Paradise HOA (PHOA) called me to request clarification on some water right terminology and review of the HOA's existing water rights and permits. We re-examined many of the issues visited at the PHOA's meeting with Shelley and I on September 9, 2016. Ray provided a point of clarification on behalf of PHOA: Heating use associated with 63-12316 is for use within PHOA's changing room for the community soaking pool, not the changing room for the Trinity Lodge pool.

In addition, we revisited the concept that 63-10560 has been a water right license for nearly 20 years and can no longer be amended. In order to change any aspect of this license, PHOA would need to file a water right transfer. Next, he inquired about heating permit 63-34140. I explained that this permit was filed on two undeveloped springs plus the spring located at the community soaking pool. At present, this permit does not include the spring(s) located on the Trinity Lodge property as a point of diversion. (It does not include the springs which are presently used for the community heating system.) PHOA presently has an opportunity to amend the permit during its development period, if desired.

On September 27, 2016, David and Mickey Burney of Grouse Creek Cabins visited the State Office on my office day to inquire about their rights to use right 63-10560. Mickey explained that she holds the position of Secretary for the Grouse Creek Cabin community. She presented a letter from the Paradise HOA which raised her concern about their ability to receive water for heating purposes off of the PHOA system.

Shelley mentioned that we had met with PHOA only weeks earlier. He reiterated that a water right provides an opportunity to divert and use water, but not necessarily an obligation to do so. We looked at the water right license for 63-10560, including the comment which states that it includes 11 cabins. In reviewing the file and its affidavits, it appears that the 11 cabins included the 7 Grouse Creek cabins.

David and Mickey had some remaining questions about measurement devices in the B63 Boise River drainage. They requested copies of the Department's measurement order which was sent to PHOA. We provided paper copies of these.

Legend

- Heating Domestic Recreation 63-10560
- Heating 63-12316
- Recreation 63-31526
- Commercial Domestic 63-10559 GW
- Heating permit 63-34140
- Taxlots

