



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

March 24, 2015

SMOKEY DOME LLC
C/O CHUCK HILL
PISTOL CREEK FINANCIAL
PO BOX 1607
BELLEVUE WA 98009

Notice of Intent to Void Permit

RE: Water Appropriation Permit No. 37-8850

Dear Mr. Hill:

The Department of Water Resources (Department) is reviewing the above referenced permit so we can issue a license for the uses developed. It is our understanding that your manager is Rod Gonsales, 338 S 600 W, Corral, ID 83322. We will send a copy of this letter to Mr. Gonsales for his records.

On August 8, 2012, Department staff contacted met with Mr. Gonsales to perform a field examination to license permit 37-8850. During this examination, the field examiner found that water system was in place, but no homes had been developed within the boundaries of the subdivision. Review of aerial photography from 2004 to 2013 that are available to the Department confirms that no homes have been constructed.

The Department's policy memorandum, Administrative Processing Memo 18, states the following:

The stub-in practice was not applied in all subdivision development situations. For example, suppose the Department issued a permit for development of 100 homes in a subdivision and proof was submitted for 100 homes based on the stub-in practice. Many years later, the Department completes an exam and finds only 20 homes were built and using water. The remaining lots remained vacant and undeveloped except for the stubbed-in service line. The Department would only issue a license based on the actual diversion and use of water because sufficient time would have passed to complete development of the subdivision.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. A water appropriation permit authorizes development of a water right within a specific time frame. It has been 20 years since permit 37-8850 was first filed and there is no visible development of any of the properties within the subdivision. No water right has been established, and no license can be issued, if you have not developed a beneficial use of water within the time period authorized by your permit.

On July 31, 2014, Department staff received a telephone call from a Mr. Bill Carter who stated that he has used your system for his property. Unfortunately, Mr. Carter's property is outside of the borders of the subdivision described in the permit, and cannot be counted as a use unless an amendment of permit is filed to include his property into your place of use for this permit. You would need to seek Mr. Carter's permission to file this amendment to include his property. If an amendment is received, then we could license Mr. Carter's use, but we would still not be able to license the use for the remainder of the subdivision unless the domestic use described in the permit can be defined.

Unless you supply information within thirty days or by April 24, 2015 demonstrating that you have developed a beneficial use of water under Permit 37-8850, I will take action to void your permit. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form.

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

Copy –

ROD GONSALES
338 S 600 W
CORRAL ID 86622