

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 71-10921

Priority: December 10, 2007

Maximum Diversion Rate: 1.22 CFS

It is hereby certified that KETCHUM LONG ISLAND LLC

PO BOX 2238

KETCHUM ID 83340

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 10, 2007; and has submitted Proof of Beneficial Use on September 04, 2014. An examination confirms water is diverted from:

SOURCE

SALMON RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
AESTHETIC	01/01 to 12/31	1.22 CFS	
RECREATION	01/01 to 12/31	1.22 CFS	
AESTHETIC STORAGE	01/01 to 12/31		3.0 AF
RECREATION STORAGE	01/01 to 12/31		3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SALMON RIVER SE1/4SW1/4 Sec. 10, Twp 07N, Rge 14E, B.M.

CUSTER County

PLACE OF USE:

AESTHETIC, AESTHETIC STORAGE, RECREATION, and RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	14E	10															X		

CONDITIONS OF APPROVAL

1. Water diverted under this right for aesthetic and recreation use shall be returned to the Salmon River.
2. The right holder shall maintain a means acceptable to the department to measure the amount of water diverted from the Salmon River and the amount of water returned to the Salmon River.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.
5. The rate of diversion for recreation and aesthetic purposes authorized by this right shall be junior and subordinate to all rights to the use of water, other than recreation and aesthetic purposes, within the State of Idaho that are initiated later in time than December 10, 2007 and shall not give rise to any right or claim against future rights to the use of water, other than recreation and aesthetic purposes, within the State of Idaho initiated later in time than December 10, 2007.

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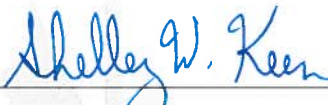
Amended

WATER RIGHT NO. 71-10921

6. Recreation and aesthetic use of water under this right shall be non-consumptive.
7. The right holder shall maintain an impermeable liner in the pond(s) described by this right to eliminate seepage losses.
8. The following rights are diverted through point(s) of diversion described above: 71-10919 and 71-10921.
9. For aesthetic storage and recreation storage purposes, Rights 71-10919 and 71-10921 provide a combined annual total of 3.7 af, consisting of 3.0 af for initial filling of the ponds and 0.7 af for replenishment of evaporation losses.
10. Rights 71-10921 and 71-10919 when combined shall not exceed a total diversion rate of 1.70 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 22nd day of December, 2014.


for GARY SPACKMAN
Director



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 22, 2014

KETCHUM LONG ISLAND LLC
PO BOX 2238
KETCHUM ID 83340

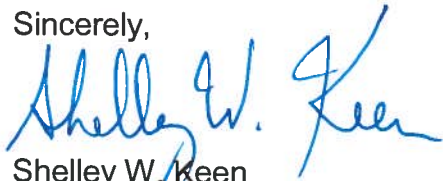
RE: WATER RIGHT NO. 71-10921

Dear Water Right Holder(s):

I have enclosed a copy of the revised water right license issued in response to your petition for reconsideration of License 71-10921. The revised license replaces the license issued on November 26, 2014. The revised license is an amended preliminary order issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Please call or email if you have additional questions.

Sincerely,



Shelley W. Keen
Water Rights Section Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC
WATER DISTRICT NO 170

CERTIFICATE OF MAILING

I hereby certify that on the **23rd** day of **December, 2014**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amended Water Right License)** to the person(s) listed below:

Water Right No. **71-10921**

**KETCHUM LONG ISLAND LLC
PO BOX 2238
KETCHUM ID 83340**

**BROCKWAY ENGINEERING PLLC
C/O ERICK POWELL
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**WATER DISTRICT NO 170
WATERMASTERT NICK MILLER
322 E FRONT ST
BOISE ID 83720**



Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: December 17, 2014
To: Water Right File 71-10921
From: medl
Re: Amended License

Southern Region is processing a transfer, acting on companion right 71-10919, which impacts the licensed volume for this right.

The transfer application was received within the 21-day time period for responding to the petition for reconsideration. Therefore, license 71-10921 is amended to adjust the volume to agree with the transfer.

Edl, Michele

From: Skinner, Corey
Sent: Wednesday, December 17, 2014 2:22 PM
To: Skaggs, Pam; Keen, Shelley
Cc: Edl, Michele
Subject: Pending Transfer # 79715 (Ketchum Long Island)
Attachments: DOC.pdf

As we discussed this morning, attached is a transfer application that we received involving water right 71-10919, which provided storage use(s) to cover the evaporative losses associated with the ponds covered by recently licensed right 71-10921.

It appears that the ponds store 3.0 acre-feet, and have an additional 0.7 acre-feet associated with evaporative loss.

Right 71-10919 currently allows for 1.8 acre-feet for storage use (and 0.20 cfs for diversion to storage) resulting in the conversion of 1.5 acres of irrigation in transfer # 74715 (approved in 2009).

Permit 71-10921 allowed for 12.0 acre-feet for the ponds. We recently issued license 71-10921 for 1.9 acre-feet of storage ($3.7 - 1.8 = 1.9$).

The attached transfer proposes converting a 1.1 acre-foot ($1.8 - 0.7 = 1.1$) portion of 71-10919 back to irrigation use. Application indicates 0.94 acres (rounds to 0.9 acres).

It would appear that we will have to reissue license 71-10921 for 3.0 acre-feet ($3.7 - 0.7$) of storage rather than the currently licensed 1.9 acre-feet.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 10 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

December 2, 2014

Ms. Michele Edl
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720

RECEIVED

DEC 05 2014

DEPARTMENT OF
WATER RESOURCES

Re: Ketchum-Long Island, LLC Transfer of Water Right No. 71-10919
Project No. 1113-01-2010

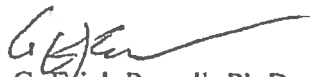
Dear Michele,

We have received a copy of the license for water right no. 71-10921. Unfortunately, this license did not consider the proposed transfer to water right no. 71-10919. Therefore, we petition for reconsideration of water right license 71-10921 to include the transfer of water right no. 71-10919 to change mitigation back to irrigation.

As we have discussed in the past, 1.5 acres of irrigation (water right no. 71-10919) was transferred for mitigation of the new water right permit (71-10921). The license exam reported that only 0.56 acres of mitigation was needed. The enclosed transfer seeks to change the excess mitigation back to irrigation of 0.94 acres.

I'm not sure what happened to the original transfer application, but here is a copy of the transfer.

Sincerely,



G. Erick Powell, Ph.D., P.E.

cc: Paul Arrington
John Miller

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506