

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 78275 IN THE	)	PRELIMINARY ORDER REJECTING
NAME OF DANSKIN RIDGE SUBDIVISION	)	APPLICATION FOR TRANSFER
HOA INC.	)	
_____	)	

This matter having come before the Department of Water Resources (Department) as a result of an application to transfer water rights, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On July 25, 2005, Danskin Ridge H.O.A. applied to the Department for authorization to change the point of diversion for 0.94 cubic feet per second of ground water for irrigation purposes in Ada County in accordance with decreed Water Rights 63-10474 and 63-31482

2. Initial processing of the transfer application was held due to the Snake River Basin Adjudication. When a review of the transfer application was made, it was determined that the lands referenced in the two rights are owned by numerous individuals and other entities that are not part of the HOA.

3. On November 26, 2013 a letter was sent to the current president of the Danskin Ridge Subdivision HOA asking that the transfer be withdrawn and stating that the appropriate action for the HOA would be to file Notices of Change of Water Right Ownership to split the rights as proposed by the transfer application.

4. On January 15, 2014, a second letter requesting the withdrawal of the transfer application was sent. The letter stated the transfer application would be voided if we did not receive a response to the request.

5. The Department has not received a response from Danskin Ridge Subdivision HOA to the request for withdrawal of transfer application No. 78275 nor has the Department received any indication from the HOA that there is any interest in pursuing the application.

CONCLUSIONS OF LAW

1. Failure to respond to correspondence requesting information from the applicant is cause for removing an application from the records of the Department.

2. The Department should reject transfer application No. 78275.

SUPPORT DATA
IN FILE # 63 10474

SCANNED

MAR 20 2014

ORDER

IT IS HEREBY ORDERED that transfer application No. 78275 in the name of Danskin Ridge HOA is REJECTED and is removed from the records of the Idaho Department of Water Resources.

Dated this 26th day of February, 2014.


John Westra, Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 14, 2014

DANSKIN RIDGE SUBDIVISION HOA INC
ATTN: BRIAN COLLING, PRESIDENT
8214 S SLIDE CREEK LN
MERIDIAN ID 83642

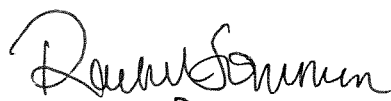
Re: Preliminary Order in the matter of Transfer No. 78275

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the Department. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,



For:

John Westra, Manager
Western Regional Office

Enclosures

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 15, 2014

Danskin Ridge Subdivision HOA Inc.
c/o Brian Colling, President
8214 S. Slide Creek Ln.
Meridian, ID 83642

RE: Application for Transfer No. 78275

Dear Mr. Colling:

I sent you a letter in November asking you (as the president of the homeowners association) to withdraw the above referenced transfer application. We are attempting to resolve all unprocessed applications.

I have not heard from you nor have I received the Withdrawal of Transfer form. I am again enclosing that form for your use. The application will be voided if we do not receive a withdrawal of the application within the next thirty (30) days.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis". The signature is written in dark ink and is positioned above the printed name.

SHARLA CURTIS
Sr. Water Resource Agent

Enclosure



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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 26, 2013

Danskin Ridge Subdivision HOA Inc.
c/o Brian Colling, President
8214 S. Slide Creek Ln.
Meridian, ID 83642

RE: Application for Transfer No. 78275

Dear Mr. Colling:

Back in 2005 an Application for Transfer was filed by Danskin Ridge HOA to "separate Stetson Properties use from that of the HOA" (copy of front page from transfer application is enclosed). The transfer application was held from being processed for several reasons including the Snake River Basin Adjudication.

Now it is nearly 2014 and the department is making efforts to resolve unprocessed applications. In this case, the lands covered by the two rights referenced in the application are owned by numerous individuals/entities (please see enclosed map depicting ownership). It appears that a Notice of Change of Water Right Ownership would be the appropriate form for the HOA to use in separating the homeowners association from the Stetson properties. I am enclosing the form and its instructions for your use. I am also enclosing profile reports of the two water rights for your information and use in filling out the form.

In order for us to clear the transfer application from our records, I am enclosing a Withdrawal of Transfer form and would ask that you sign and return it to my attention at your earliest convenience.

If you have any questions, please call me at 334-2190. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sharla Curtis".

SHARLA CURTIS
Sr. Water Resource Agent

Enclosures



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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 7, 2013

Danskin Ridge Subdivision HOA Inc.

~~c/o Aaron Raap, President~~

8191 S. Slide Creek Ln.

Meridian, ID 83642

*resent 11/26 to current president
of the HOA according to Sec of States
annual report*

RE: Application for Transfer No. 78275

Dear Mr. Raap:

Back in 2005 an Application for Transfer was filed by Danskin Ridge HOA to "separate Stetson Properties use from that of the HOA" (copy of front page from transfer application is enclosed). The transfer application was held from being processed for several reasons including the Snake River Basin Adjudication.

Now it is nearly 2014 and the department is making efforts to resolve unprocessed applications. In this case, the lands covered by the two rights referenced in the application are owned by numerous individuals/entities (please see enclosed map depicting ownership). It appears that a Notice of Change of Water Right Ownership would be the appropriate action for the HOA to take. I am enclosing the form and its instructions for your use. I am also enclosing profile reports of the two water rights for your information and use in filling out the form.

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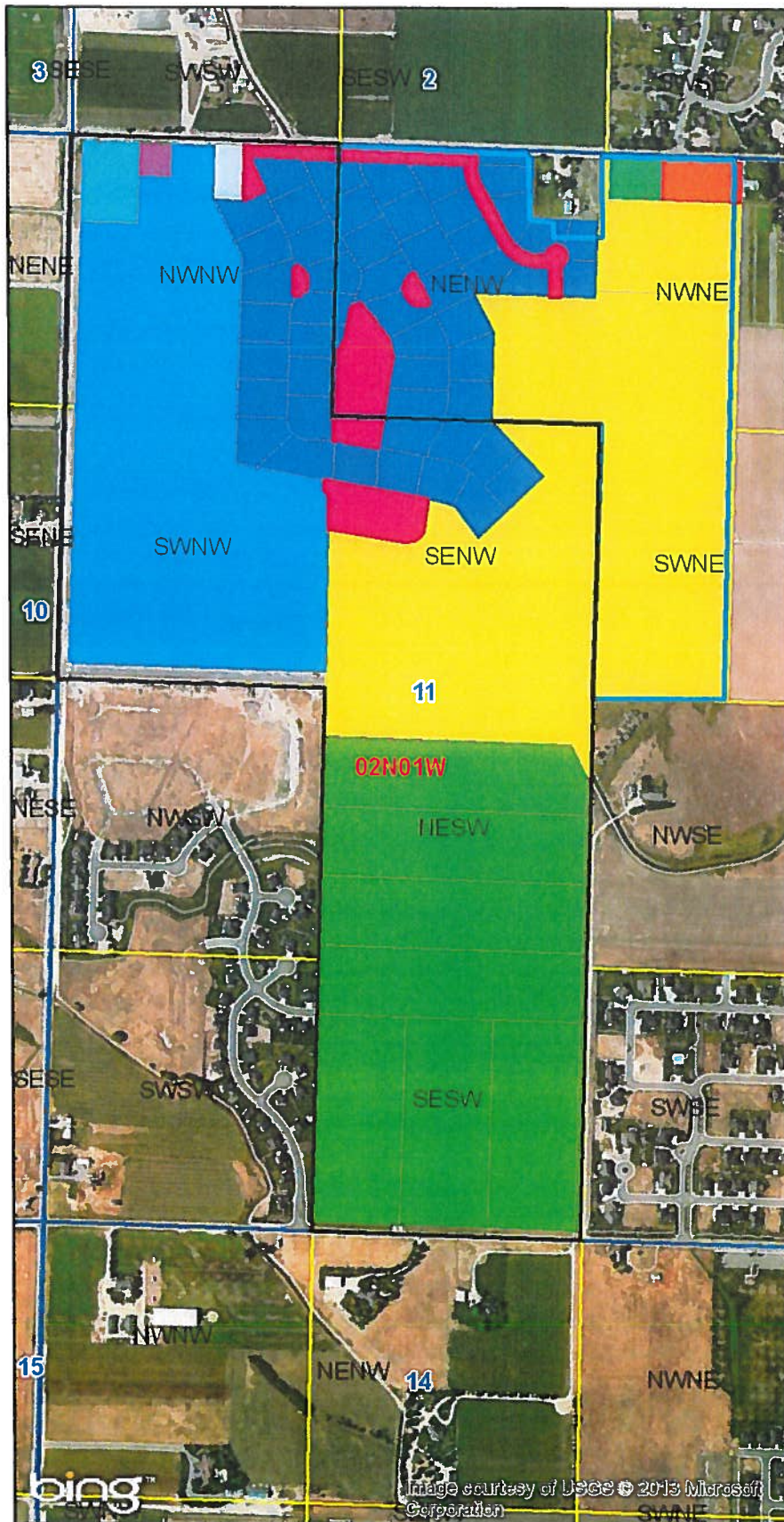
If you have any questions, please call me at 334-2190. Thank you for your attention to this matter.

Sincerely,

SHARLA CURTIS
Sr. Water Resource Agent

Enclosures

Danskin Ridge HOA Transfer Map to Identify Ownership/Water Rights, etc



Legend

63-10474

63-31482

County Taxlot Data

COLLIAS

DANSKIN RIDGE SUB

JOLES

 KUNA CITY

KUNA SCHOOL DISTRICT

PRAIRIE CLOVER ESTATES SUB

STETSON PROPERTIES

VIDAL

 VIPER INVESTMENTS

 Danskin Ridge HOA

Township/Range

Sections

QQ

