

Luke, Tim

From: Luke, Tim
Sent: Sunday, February 23, 2014 12:02 PM
To: 'david@crctflaw.com'
Cc: Spackman, Gary; Weaver, Mathew; Merritt, Allen; Yenter, Cindy
Subject: Rt. Nuo. 36-8439 - Rangen Order Curtailment List

Mr. Coleman,

I am in receipt of your letter dated February 19, 2014 regarding receipt of a curtailment notice by Blue Lakes Country Club (BLCC) related to the IDWR Rangen Curtailment Order. The notice was specific to BLCC's ground water right 36-8439.

You are correct in understanding that this BLCC right is not subject to curtailment. In fact, this right was not included in the curtailment list attached to the IDWR Rangen Curtailment Order (see Attachment C of the order).

IDWR recognizes that there were a group of ground water rights for which owners received a curtailment notice but the rights were intentionally removed from the curtailment list and therefore not subject to curtailment. The rights in question were those whose diversions located below the canyon rim. Those ground water rights are not subject to curtailment due to their locations but they were picked up in our queries because the ESPAM model cells still extend beyond the canyon rim in some places. Although we made an effort to remove them from the curtailment list we obviously failed to remove the same rights and right owners from the curtailment notice mailing list. Our failure to remove those rights from the mailing list was an oversight. There is no effect on this group of rights, and specifically BLCC's right 36-8439, with respect to curtailment.

I apologize for any confusion or inconvenience this may have caused for you or your client. Please call or e-mail me directly if you have further questions regarding this issue.

Regards,

Tim

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