



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 • Web Site: www.idwr.idaho.gov

December 15, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JAMES P. SPECK
SPECK & AANESTAD
PO BOX 987
Ketchum ID 83340

RE: Water Appropriation Permit 37-8752

Dear Mr. Speck,

This letter is in response to your e-mail send December 12, 2011.

The permitted point of diversion and place of use falls within the Big Wood River Ground Water Management Area. It is the duty of the Department to protect the limited ground water resources of the BWRGMA, or for any public water source, by verifying that any water appropriated meets the beneficial use standard.

The Department requested power consumption and meter records because it is not convinced that the reported application of water to the land described in the field examination report is a beneficial use of water. It is the Department's understanding that water is occasionally applied to trees, shrubs, and grass patches, and that no particular crop is being grown. Because there have been no homes constructed or occupancy of any kind established, it does not appear that there is any aesthetic or recreational benefit derived from watering the vegetation either. The Department questions whether applying water to patches of ground for no agricultural, recreational, or aesthetic purpose constitutes irrigation as it is typically understood.

In addition, the Department is not convinced that the water has been applied to the place of use frequently enough to consider it to be irrigation. Review of the power consumption records will help verify the frequency and extent of diversion of water from the permitted point of diversion. If the diversion of water does not constitute irrigation but does provide some other benefit, such as wildlife habitat, it may be possible to amend the permit and issue a license for the alternative use, up to volume of water actually diverted.

The Department still requests that the information requested in the letter dated December 5th, 2011, is submitted by **January 6, 2011**. If additional information has not been provided by that date, the Department will conclude you did not establish a beneficial use in connection with the irrigation component of the permit, and the license will address only the domestic component of the permit.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with the first name "Craig" being more prominent.

Craig L. Saxton
Water Rights Supervisor

Cc: CONSTANCE KEMMERER
 PO BOX 721
 TETON VILLAGE, WY 83025