



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 18, 2011

Ben Hoff
Indian Creek Ranch Owners Association
PO Box 5822
Ketchum, ID 83340

Dear Mr. Hoff:

As you recall during our December 28th meeting at Indian Creek, I mentioned another permit that appeared to also need a licensing exam. A review of the Department's water right records indicates that proof of beneficial use was filed for permit 37-8035 in 1996. This particular permit appears to be for the development of a community groundwater system to provide domestic water to the lots within Indian Creek Subdivision. I have included a copy of a water right proof report for permit 37-8035 for your reference. During our December 28th meeting, I recall you and Ernie Carlsen indicating that a community domestic system was never actually developed for the Indian Creek Subdivision, and that each developed lot has their own, private, domestic well. If this is indeed the case and a community domestic system was never actually developed for the subdivision then there are a couple of potential options available to get this matter resolved:

A representative from the Department could conduct a field exam with a representative of the subdivision and verify that a community system was never actually developed as proposed by permit 37-8035. The Department representative could then complete an examination report indicating that the permit was never developed. The Department could then issue an order that would void the permit which would then remove 37-8035 from our records.

As an alternative to the option above, a subdivision representative could sign the enclosed form and return it to our office relinquishing permit 37-8035. This would then remove 37-8035 from our records. Note that this option would save Department time and resources by eliminating the need for a Department representative to travel to the subdivision, conduct a field exam, write up a report, and eliminate the need for the Department to issue a formal order voiding the permit. This option also provides benefits to the subdivision since a subdivision representative would not need to accompany the Department during the field exam and the matter could be resolved (closed) in a timelier manner.

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Indian Creek Ranch Owners Letter

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Along a similar line, the Department has had an unresolved water right transfer application, # 73734, filed in the name of Indian Creek Ranch Owners Association. This particular application was filed in September 2004 by Brockway Engineering and seeks to create a permissible place of use and add authorized diversion points for **some** of the subdivision's irrigation rights. As proposed, there are problems with the application that prevent the Department from processing the application (not all irrigation rights included in application, discrepancies with the application, etc.). In addition, since the application was filed, recommendations have been made in the Snake River Basin Adjudication (SRBA) that describe the rights differently from how the initial application was prepared. As you are probably aware, the resolution of objections to the subdivision's SRBA recommendations is ongoing and the objections have not yet been resolved. The Department has issued a policy that transfer applications involving SRBA recommendations with objections will not be processed until the objections are resolved. However, assuming that the SRBA recommendation objections were resolved, the currently filed application would have to be amended to such an extent that a new application would have to be filed.

The subdivision could withdraw transfer # 73734 by submitting the enclosed form signed by an Indian Creek Ranch Owner's representative to our office. Including a written request would allow the Department to initiate a refund of the \$410.00 filing fee to Indian Creek Ranch Owners (paid via Indian Creek Ranch Owners Association check # 4285 per IDWR receipt # S027079). Once the objections are resolved through the SRBA process, a new transfer application could be filed at any time in the future.

I have discussed both of these matters (permit 37-8035 and transfer # 73734) with Ernie Carlsen and had the impression he was onboard with resolving both of these matters. If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner, PE
Water Resource Engineer

Enclosures

cc: Ernie Carlsen – w/o enclosures