



State of Idaho

DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 19, 2005

Charles E. Brockway
Brockway Engineering
2016 N Washington St
Suite 4
Twin Falls, ID 83301

RE: Indian Creek Ranch Owners Transfer Application

Dear Mr. Brockway:

As you recall, Jeff Rau with Brockway Engineering filed a water right transfer application on behalf of Indian Creek Ranch Owners Association last fall. The application also included a new Snake River Basin Adjudication claim filing for water diverted from Indian Creek. A preliminary recommendation for this particular claim, assigned number 37-21412, has been completed and is now available in the Department's records.

The transfer application was filed to create a 407-acre permissible place of use for right 37-296B and the new claim (37-21412) and to add several points of diversion to right 37-296B and the new claim (37-21412). During the review of the transfer application it was discovered that the Indian Creek Ranch Owners Association also has a claim, 37-19740, filed that covers the small dam and reservoir on Indian Creek. This claim is for irrigation and recreation storage and irrigation from storage. A preliminary recommendation for this claim has also been completed and the claimed uses are recommended, although the amounts (storage volume & irrigated acres) are reduced in the recommendation when compared to the amounts claimed.

Since the pending transfer application proposes adding diversion points on Indian Creek for the Indian Creek Ranch Owners Association's irrigation rights, then right 37-19740 should be included in the transfer application to reflect the new, proposed, points of diversion on this right also. This would describe the proposed points of diversion as authorized diversions for the irrigation storage water from the reservoir. It is my understanding that the small dam and reservoir are actually operated more as an aesthetic & recreation type of feature rather than part of the subdivision's irrigation system. If claim 37-19740 were to be amended to delete the irrigation storage and irrigation from storage components from the right, then it would not need to be included in the pending water right transfer application.

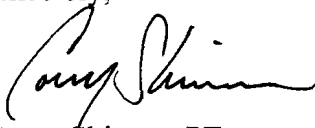
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Examination of the pending transfer application revealed a discrepancy in the points of diversion described on the application (Part #1 B. 4.) and the points of diversion indicated on the map that accompanied the application. It appears that there are 18 points of diversion described on the application and only 17 points of diversion identified on the map. This discrepancy needs to be addressed before the application can be processed.

It should also be noted that Jeff Rau has power of attorney to act on behalf of Indian Creek Ranch Owners Association pertaining to the water right transfer. If changes need to be made to the application, then someone who can sign on behalf of Indian Creek Ranch Owners Association will have to make the changes to the application.

I encourage you to address these issues as soon as possible to prevent further delays in the processing of the pending transfer application. 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", written over a horizontal line.

Corey Skinner, PE
Water Resource Engineer