
INTEROFFICE MEMORANDUM

TO: WATER RIGHT FILES 63-320B AND 63-15428
FROM: VICKY MUSIC
SUBJECT: APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT
DATE: 1/20/2011
CC:

These applications for extension were filed on May 4, 2010. The uses are associated with the Pines Tavern in Boise County. Right 63-320B is for irrigation for 3.2 acres, 0.10 cfs from Robie Creek. It has a 1911 priority date. Right 63-15428 is for commercial use for the tavern, has a 1946 priority date for 0.06 cfs from ground water. I talked to one of the owners prior to filing. I believe it was Billie Peck. Ms. Peck and owner Ms. Davis (Mrs. Peck's daughter) are elderly and Ms. Peck stated that they could not fill out the forms. I attached a proof report to each form and sent it to her because I told her that we needed information regarding why she was requesting an extension.

Mrs. Peck and Mrs. Davis are 2 of the 4 IDWR owners of record and have the authority of file these applications. IDWR owners of record, Jerald Peck and Wendil Davis were the applicants' husbands but they are both deceased.

The application for 63-320B states as reasons for requesting an extension that the building [tavern] burned down, and that 2 of the owners, Wendil Davis and Jerald Peck are deceased and the remaining 2 owners, Billie Peck and Lynda Davis are very elderly and ill. For the irrigation right, 63-320B, the application provides a very specific date of the last time the property was irrigated. The date is 3/20/2007.

The application for the commercial use, 63-15428, states "4 of 08" as the date of last use. And states as the reason that the tavern burned down. I don't know if the date refers to the date it burned down. A note in the SRBA claim file in 2003 states that the commercial use has been idle for many years. The rights were both decreed in April 2003.

None of the aerials I reviewed from 1987 to 2009 were helpful because the area is rural and heavily wooded. I could not see what I could be sure was the tavern or irrigation. I think I could see the tavern in a few of the aerials and then in the 2009 aerial I think I can see what looks like a burned area. I also did an internet search to see if I could find out about the tavern or when the fire occurred but could not find anything.

I wrote a letter to Billie Peck requesting additional information regarding when the tavern burned down to fix the last time this right was used. I suggested sources of information such as her insurance company or fire department. She called me a few days later, very confused. Again, I suggested she call the fire department or review her insurance documents to fix a time when the tavern burnt down.

She called back on 1/11/11 and stated that she found her insurance papers which indicated cleanup of the burn site in the spring of 2007. She said the tavern burned in April or May 2007. She acknowledged that they had not operated the tavern for many years before that because all of the owners were old and ill, but that they would clean it up occasionally, at least once a year, and used the water then. I believe the extension should be granted for this commercial use.

Re the irrigation right, 63-320B, I recommend approval the extension because of the specific date the water right owner provided as the last date of use. I think this is accurate because Mrs. Peck told me they had the property listed for sale and had someone mowing to maintain the property. It is within the past 5 years so this right would not be forfeited yet.

It is in the local public interest to preserve these valid rights and grant the extensions.

The rights are not in the water bank. I did a water bank search for all water bank statuses [active, application, closed and denied] in the IDWR public website and received "no results" for both rights.