

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 30 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

January 30, 2009

Mr. Jim Stanton
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Applications for Transfer of Water Rights – Christie A. Haugh.

Dear Jim:

This letter addresses concerns outlined in your 12/17/2008 letter addressed to our office regarding water right transfer # 75102 in the name of Christie A. Haugh (letter attached).

Regarding the issue of ownership outlined in the first paragraph, please see the attached warranty deed, quitclaim deed, a property master sheet, all from the Blaine County Assessors office that show Robert Head owning more than 8.1 acres of land in 2004. As you are aware, in October of 2004, Mr. Head sold 8.1 acres of water right 37-113F only (no land) to Gus Lingos, Mark Dawson, and Dave Dawson. This water right sale agreement was included in the transfer application. Subsequently, these same three men sold the same 8.1 acres of water right 37-113F to Ms. Haugh on 4/4/07 and this agreement was also included in the water right transfer application. The attached deeds and property master documents show that at the time of the water only sale, Mr. Head owned at least 10.83 acres described in water right 37-113F's place of use.

In regards to the second paragraph, the Head well is of no concern to this transfer application because water right 37-113F has not been partially decreed in the SRBA and is subsequently protected from forfeiture, as you stated in your letter.

In regards to the third paragraph, Ms. Haugh's surface water rights are diverted from Townsend Gulch Creek into an irrigation pond. Ms. Haugh pumps out of the pond for irrigation on her property. This issue was discussed and cleared up in a phone call between you and myself on 1/27/09.

In regards to the fourth paragraph, ground and surface water right users in and around Townsend Gulch are not anticipated to be impacted by the approval of

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

this transfer application because the proposed well will pump from the shallow alluvial Big Wood aquifer, not the Townsend Gulch aquifer.

In regards to the fifth paragraph, the permissible place of use should be described as "AM Lot 3D Townsend Ranch Subdivision". A property master value sheet from Blaine County identifies 22.77 acres within parcel # RP00557000003D. Discrepancies in exact locations of the PPU acres are probably due to rectification problems stemming from the Blaine County parcels shapefile used in the PPU delineation. We ask that you keep the proposed PPU at a total of 21.76 acres (less than the 22.77 listed on the property master sheet) as identified on the transfer application, and a condition be placed on the water right transfer identifying AM Lot 3D Townsend Ranch Subdivision as the permissible place of use. Please use the tax lot information provided for the PPU delineation, which you said you would do in your 12/17/08 letter.

These documents should answer your questions and allow processing of transfer # 75102 to continue upon receipt of this letter. Please copy our office on all correspondence regarding this water right transfer application and don't hesitate to give me a call with questions or comments. Thanks for your time and have a great day.

Regards,



Zach Latham M.S. Hydrologist

Enclosures:

Cc: Chris Haugh



PROPERTY MASTER

01/29/2009

<u>Year</u> 2004	<u>Parcel #</u> RPB040500000A0	<u>Parcel Status</u> Active	<u>Property Type</u> Real	<u>Reappraisal Year</u>
<u>Location Code</u> Sun Valley Subdivisi	<u>Code Area</u> 004001	<u>Parcel Type</u>	<u>Appraiser</u> MED	<u>Physical Inspection</u>

Physical Location

Address

Group Type SUB

Group # 1000

Description MAPLE RIDGE SUB

Zoning

Township/Range/Section 2N 18E 36

Primary Owner/Contact Information

Name HEAD ROB
BOX 203
BELLEVUE ID 83313-0000

Legal PINE VIEW SUB
PARCEL A 10.83
SEC 36 2N 18E

Deed Reference No:

Additional Owners/Contacts

Solid Waste

Unit Type

Photo & Map

Photo:
Map: MAP NUMBER 622 BE

Property Values

Status	State Cat. Code	Quantity	Assessed Value	Assessment Roll	Property Occupancy	Valuation Method
Totals		0.000	0	Total Values		
			0	Less Homeowner's Exemption		
			0	Taxable Value		

009 THU 04:30 PM BLAIN COUNTY ASSESSOR

FAX NO. 12087885542

P. 03

K28325

WARRANTY DEED

Instrument # 503616

HAILEY, BLAINE, IDAHO
2004-05-17 03:54:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA NIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WYDOCORP.DEB

For Value Received **Dennis R. Head and Josephine Head, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Rob Head, an unmarried man dba Head Construction and Development

whose address is: **P.O. Box 203, Bellevue, ID 83313**

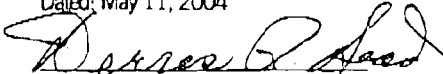
Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

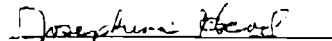
Parcel A of Maple Ridge Subdivision, according to the official plat thereof, recorded as Instrument No. 473153, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 11, 2004

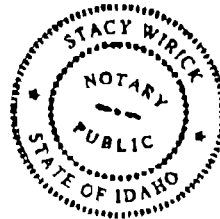

Dennis R. Head


Josephine Head

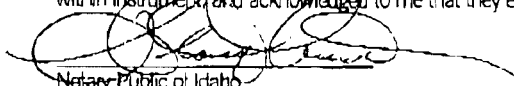
STATE OF Idaho

COUNTY OF ~~BLAINE~~ *Kokoa*

ss.



On this 13th day of May, 2004, before me, the undersigned, personally appeared Dennis R. Head and Josephine Head, known or identified to me (or proved to me on the oath of), to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.


Notary Public of Idaho
Residing at: *Borise Idaho*
Commission Expires: *10/25/06*

RW

2

K28325

QUITCLAIM DEED

For Value Received **Derris R. Head and Josephine Head, husband and wife**

do hereby convey, release, remise and forever quit claim unto

Rob Head, an unmarried man dba Head Development and Construction

whose address is: **P.O. Box 203, Bellevue, ID 83313**

Hereinafter called the Grantee, the following described premises situated in **Blaine County, Idaho**, to-wit:

8 inches of Water Rights No. 37-113J / Adjudication Claim No. 37-113F appurtenant to the following described real property:

Parcel A of Maple Ridge Subdivision, according to the official plat thereof, recorded as Instrument No. 473153, records of Blaine County, Idaho.

together with its appurtenances.

Dated: May 12, 2004

Instrument # 803617

HAILEY, BLAINE, IDAHO

7004-03-17

03:54.00 No. of Pages 1

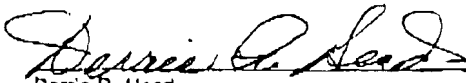
Recorded for: FIRST AMERICAN TITLE

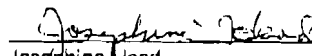
MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTYICAL/CRPCREB


Derris R. Head


Josephine Head

STATE OF Idaho

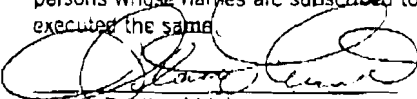
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COUNTY OF Ada

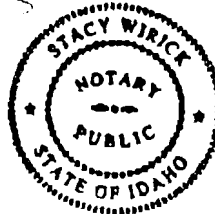
)ss.

)

On this 13th day of May, in the year of 2004, before me, Angela W. Burrell, personally appeared Derris R. Head and Josephine Head, known or identified to me (or proved to me), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public of Idaho

Residing at: Burke Idaho
Commission Expires: 10/25/06





State of Idaho

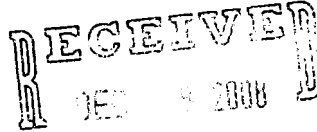
DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

December 17, 2008

Brockway Engineering PLLC
ATTN: Zach Latham
2016 North Washington St Suite 4
Twin Falls, ID 83301



BY:

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RE: App For Transfer 75102, Christie A Haugh

Dear Zach;

I have started reviewing this application, and have found some issues that need to be addressed. I expect more issues to surface as processing continues, but this seems like a good place to start. With regard to the groundwater right being moved from Bellevue, the recommend place of use for this right is the Maple Ridge and Pine View Subdivisions. Of the 49 lots involved, the 11 lots currently owned by Robert Head (the claimant of record) cover 3.15 acres instead of the 8.1 acres that are proposed to be transferred. Since he sold the water right to the current sellers in October of 2004, it is possible that he owned additional lots at that time. If so, you need to identify which additional 4.95 acres he owned; then obtain written permission from the current owners of this land for Ms. Haugh to transfer the water from their property. Or you could provide documents verifying that Head sold the additional land WITHOUT WATER RIGHTS. Without sufficient proof of ownership, the transfer cannot be approved as filed.

What is the current status of the irrigation well drilled by Head in 1995? Is it used now? Has it ever been used? The right is of course protected from forfeiture under SRBA rules, but this information will be helpful in my overall analysis of this transfer.

How will the surface water currently appurtenant to the Haugh property be used in conjunction with the ground water? In order for one transfer to cover both sources, they have to be delivered through a single irrigation system. Exactly how will water be diverted from Townsend Gulch?

Staff have raised a concern about moving the groundwater right from one side of the Wood River Valley to the other, in that such a move might negatively impact other surface and ground-water diversion in and around Townsend Gulch. How would you respond to this?

FYI, I have excluded the SE/SE Sec. 2 as a tract in the proposed ppu due to the tiny amount of land here. The only other alternative is to increase it to 0.1 acres, which would be excessive. I have seen this area, and do not believe that there will be any actual irrigation in this tract anyway. Let me know if you have a problem with this approach (I am following Parn's advice here). The overall ppu description has been rounded up to 22.0 acres per our standard methods. I will be describing this land as Lot 3D, as that is what the county taxlot data calls it.

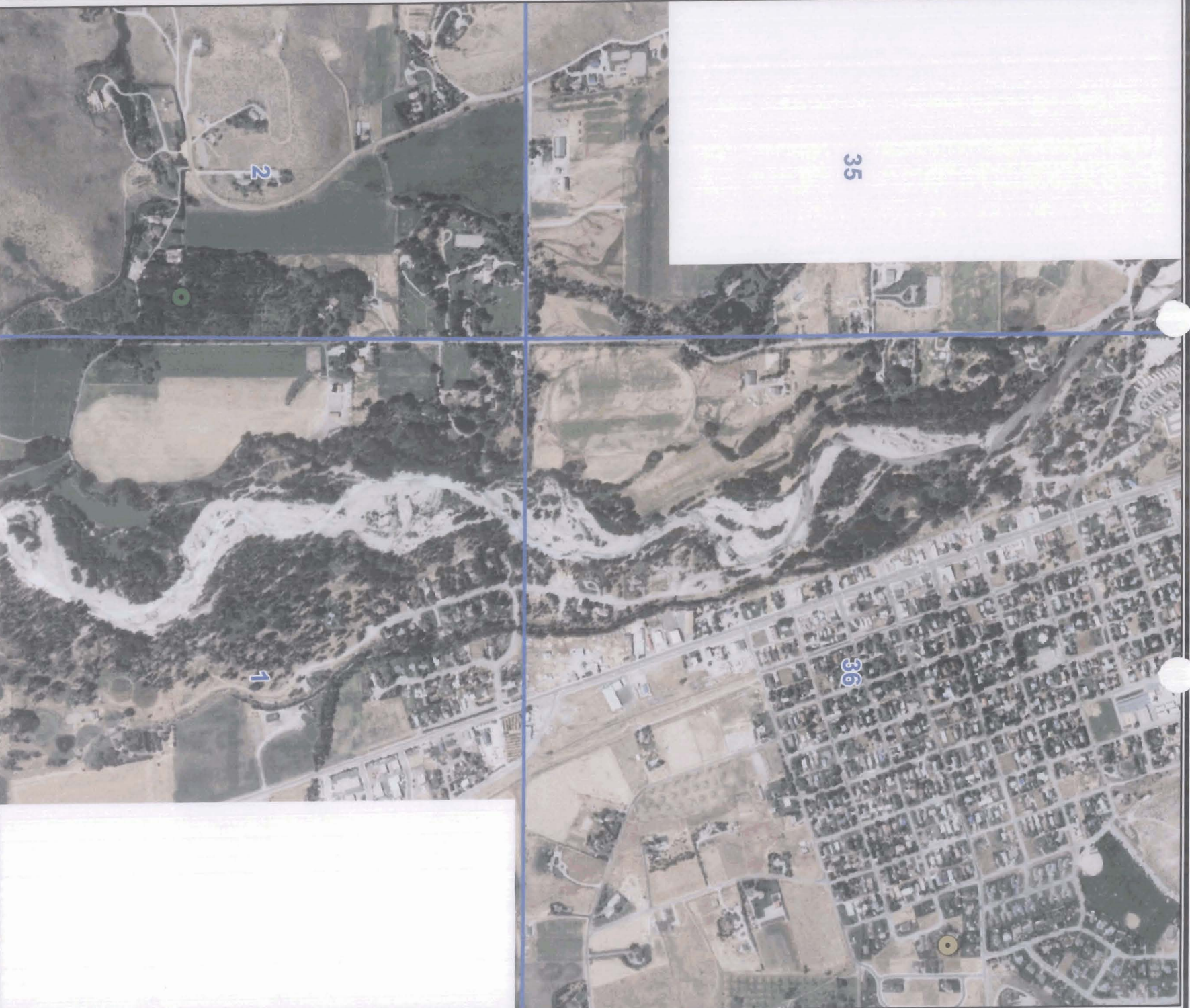
I also have the Christenson transfer (75103), but have not yet started to review it. I will probably be working on it while I wait for your response on the Haugh transfer.

December 17, 2008

Regards,

A handwritten signature in cursive script, appearing to read "Jim".

James E. Stanton
Sr. Water Resource Agent



0 500 1,000 2,000 Feet

BROCKWAY ENGINEERING PLLC.
ZL - 1/30/09
F:\Project\Haug\A\review 9\37-113F REC\POU- HAUGH.mxd

CHRIS HAUGH- 37-113F
FROM AND TO POD'S
T.01N, 02N R.18E
2006 NAIP AERIAL PHOTOGRAPH

Legend

- Existing 37-113F POD
- Proposed New Haugh POD
- sections

