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August 8, 2008

RECEIVED

AUG 12 2008

DEPARTMENT OF
WATER RESOURCES

Jeff Peppersack
Manager
Water Allocation Bureau
Water Rights Permits Section
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Chris and Jackie Flanigan, Water Right No. 37-12219

Dear Jeff:

This letter follows up on our meeting yesterday with you, me, Kelly Christensen, and Scott King. I ask that this letter be made a part of the record for Water Right No. 37-12219.

In our meeting, we asked the Department to remove the language on the Water Right Report (enclosed) for this water right, which currently states:

4. Parcel No. 05N170107840A Stockwater, 15 horses

There was a reference to the number of horses on the SRBA claim, but it was not intended as a limit on the water right. A partial decree has issued for this right, and it contains no limitation with respect to horses. The Blaine County zoning ordinance, by the way, allows up to 39 horses on this parcel (based on acreage).

Apparently the reference to 15 horses was added to the Department's computer file as an internal staff "comment," and this was later carried over to the Water Right Report available to

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the public on the internet, where it displays as a "condition of approval." Plainly, this was not a condition of approval.

Accordingly, we ask that all reference to the number of horses be eliminated from the Water Right Report for Water Right No. 37-12219.

Thank you very much for your attention to this, Jeff.

Sincerely,



Christopher H. Meyer

Encl: Water Right Report for Water Right No. 37-12219
Partial Decree for Water Right No. 37-12219

cc: Chris and Jackie Flanigan
Jill Eshman, J. Eshman Law, P.C.
Scott King, SPF Water Engineering, LLC

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

08/07/2008

WATER RIGHT NO. 37-12219

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHRIS FLANIGAN
Current Owner	JACKIE FLANIGAN HC 64 BOX 8028 KETCHUM, ID 83340 (208)725-5980
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	CHARLES B KENDALL PO BOX 3342 KETCHUM, ID 83340 (208)726-7371

Priority Date: 09/30/1987

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.02 CFS	
DOMESTIC	1/01	12/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSE	Sec. 10	Township 05N	Range 17E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	17E	10		SWSE										

Place of Use Legal Description: DOMESTIC BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	17E	10		SWSE										

Conditions of Approval:

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4.		PARCEL NO. 05N170107840A STOCKWATER, 15 HORSES

Dates:

Licensed Date:

Decreed Date: 01/05/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND/OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-12219

NAME AND ADDRESS: CLAIRE KENDALL
PO BOX 6119
KETCHUM, ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/30/1987

POINT OF DIVERSION: T05N R17E S10 SWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.02 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Blaine County
	T05N R17E S10	SWSE	
	Domestic		Within Blaine County
	T05N R17E S10	SWSE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication