

MEMORANDUM

Date: June 04, 2008
To: Water Right File 37-22250 and 37-22251
From: medl
Re: conditions meeting

Erick Powell of Brockway Engineering phoned me on 5/3/08. He expected to be in Boise with Mr. Brockway Sr. on 5/4/08. They had some uncommitted time and requested a meeting with me and Shelley Keen to discuss the shapes and conditions attached to this water right and its companion split, 37-22251.

I arranged for a meeting in the Water Center, on Wednesday June 4, 2008. Our meeting convened as scheduled, but Mr. Brockway was not available in person. He was patched into the discussion via conference phone.

Our discussion began with stacked water rights and their conditions and why these two have different conditions. Then we discussed the claimant's objection in SRBA and that, typically, it would stop any further action by the Department on the Spring Canyon water rights.

Mr. Brockway described the current atmosphere surrounding the planning and zoning office and new developments in the Hailey area. Confirmed water rights are expected before a new development is allowed to proceed. An objection in SRBA could take years to be resolved and the processing hold put onto the associated water right(s) would keep an otherwise sound development from proceeding through county planning and zoning processes.

In this case, the developer intends to file a transfer, which would include all of the Spring Canyon Ranch water rights. The anticipated transfer would provide another opportunity for the Department to make corrections to these two water rights that cannot be made while objections are pending.

Given the likelihood of that transfer, and thanks to Shelley Keen, we found language with which to condition these two water rights that was acceptable to Brockway Engineering and to the Department. The conditions will acknowledge concurrent decree recommendations and SRBA objections.

I drafted new combined use conditions that list the current recommendation for each of these two water rights but left them open to changes based on subsequent SRBA decrees.