

Merritt, Allen

From: Merritt, Allen
Sent: Monday, November 26, 2007 9:08 AM
To: Keen, Shelley
Subject: RE: 511 Valley Club Drive, Hailey, ID (Blaine County)

Shelly,

Please note that Brockway filed an application for permit and an application for transfer in the name of dry Lot LLC but due to problems identified requested us to hold them. They are supposed to be amended. They are intended to add acres of irrigation to the Valley Club system.

Allen

-----Original Message-----

From: Keen, Shelley
Sent: Friday, November 23, 2007 2:20 PM
To: 'Jim Costanzo'
Cc: Merritt, Allen
Subject: RE: 511 Valley Club Drive, Hailey, ID (Blaine County)

Mr. Costanzo,

If your HOA acquires another water right, it would have to apply to move the water right to your subdivision. The process for moving a water right is called a transfer. Because of a backlog, transfers are taking approximately 6 months, maybe even longer, to complete. For your water use to be covered by the transfer, the application would have to describe your lot as part of the intended place of use for the water right. It is typical for an HOA to list all the lots in the subdivision as the place of use for its water rights.

If the HOA doesn't acquire a right, or if it acquires a right but cannot get through the transfer process by the 2008 irrigation season, you can always comply with the existing water right by cutting back to half an acre of irrigation on your lot.

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

-----Original Message-----

From: Jim Costanzo [mailto:JCostanzo@pdgcenters.com]
Sent: Friday, November 23, 2007 2:11 PM
To: Keen, Shelley
Subject: RE: 511 Valley Club Drive, Hailey, ID (Blaine County)

Dear Shelly: Thanks for your note, it's very helpful. As you may know the HOA is trying to buy additional water rights. If they are successful would that allow me irrigate the additional .25 acres I'm over? Or if they fail, I assume I can cut back the irrigated area of my lot to comply. Please let me know. Thanks. Jim

From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Wed 11/21/2007 4:19 PM
To: Jim Costanzo
Cc: Cawley, Linda; Merritt, Allen
Subject: FW: 511 Valley Club Drive, Hailey, ID (Blaine County)

Mr. Costanzo,

Water Appropriation Permit No. 37-8613A, which authorizes the diversion and use of water by Valley Club Owners Association, Inc., contains the following condition.

Irrigation use described in this permit and any subsequent license authorizes irrigation of not more

than one-half acre associated with each completed and occupiable residence. Land irrigated must be a

part of the lot upon which each residence is built.

I have attached a printout of the elements of the water right.

Idaho will shortly complete the Snake River Basin Adjudication, a court proceeding to define most of the water rights in Southern Idaho. DWR's regional manager recently announced publicly that IDWR soon will begin enforcing the SRBA water right decrees and other water rights in the Wood River Valley.

One method for detecting water right violations is to compare water right records to aerial photographs of the valley. Based on 2004 aerial photography, it looks like about 0.75 acres is irrigated on your lot. Besides a cease and desist order, the civil penalty for exceeding the authorized number of irrigated acres can be up to \$300 per year per acre, or portion of an acre, exceeding the water right.

Permit No. 37-8613A does not limit the gallons of usage per day per home. That may be a limitation of the system capacity or an internal enforcement mechanism, possibly subject to the subdivision covenants and restrictions.

I also would caution that while the homeowners association may be expecting compliance by 2009, IDWR will expect compliance each and every irrigation season.

Please call or email if you have additional questions.

Sincerely,

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

-----Original Message-----

From: IDWRInfo

Sent: Wednesday, November 21, 2007 1:05 PM

To: Keen, Shelley

Subject: FW: 511 Valley Club Drive, Hailey, ID (Blaine County)

Hi Shelley, Could you please respond to Jim's email. (Could you also bcc me with the answer. I'm curious about the answer.) Thanks, Linda

-----Original Message-----

From: Jim Costanzo [mailto:JCostanzo@pdgcenters.com]

Sent: Wednesday, November 21, 2007 11:52 AM

To: IDWRInfo

Subject: 511 Valley Club Drive, Hailey, ID (Blaine County)

Dear IDWR, we have been told by our Home Owners Association that effective January 1, 2009, we will be limited to irrigating no more than $\frac{1}{2}$ acre of land around our personal residence. And to the extent that we exceed the $\frac{1}{2}$ acre, the water may cut off, limited to 300 gallons per day and get fined until we cut the "green" area back to the $\frac{1}{2}$ acre. Is this true? I'd appreciate a response. Thank you. Jim Costanzo