



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

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October 19, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RHYTHM RANCH HOMEOWNERS ASSOCIATION
C/O JAMES P. SPECK
PO BOX 987
KETCHUM ID 83340

RE: Order In the Matter of Transfer No. 71145 – Water Rights 37-21229, 37-21231, 37-21233, 37-21235, and 37-21237

Dear Interested Parties:

On April 6, 2006, the Department of Water Resources (Department) issued an Order Withdrawing a Preliminary Order approving Transfer No. 71145. The Order was issued in response to a Petition for Reconsideration (petition) filed by the Rhythm Ranch Homeowners Association (Association) regarding the approval of Transfer No. 71145. Through the petition, the Association requested the Department amend Condition of Approval No. 1 on each of the six (6) water rights referenced in the Transfer. As noted on the Order Withdrawing the transfer approval and associated letter, additional information is required to determine if the transfer should be revised as requested in the petition. To date additional information has not been received by the Department.

Condition of Approval No. 1 of the Transfer Approval limits irrigation under the rights referenced above when combined to irrigation of 31.1 acres. Aerial photography of the corresponding place of use was provided with the petition to document irrigation of up to forty (40) acres during the five-year period prior to the filing of claims for the referenced water rights in the Snake River Basin Adjudication (SRBA). As noted in the petition, portions of the water rights appurtenant to five (5) of the irrigated acres were sold in 1984. Therefore, the Association requested amendment of the Condition of Approval No. 1 to provide for irrigation of 35 acres.

Department staff has reviewed the documentation provided with the petition and other available information. There is still some question regarding irrigation of the areas identified on the attached map. The map includes the boundary of the place of use as originally approved through the transfer, and two areas where clarification of historical irrigation practices is necessary.

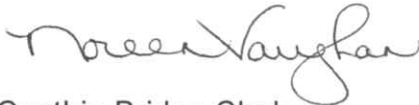
Area 1: Based on available imagery and a site visit by Department staff, Area 1 is a gravelly soil type with low crop growth potential. The Farm Service Agency aerial photographs attached to the petition display minimal vegetative growth in this area during the years prior to 1987, the commencement of the SRBA. Information documenting the historic beneficial use of water through irrigation should be submitted for further consideration by the Department.

Area 2: This area currently appears to be bare ground for an alternate use such as an arena. Documentation that irrigation took place historically in Area 2 and if use of the land changed within the five-year period prior to December 16, 1988 should be submitted for consideration by the Department.

The Department is currently reviewing the above referenced rights in the SRBA and intends to issue a Preliminary Recommendation of the rights as soon as possible. If additional information is not received for consideration within fourteen (14) days after the service date of this letter, the Department will re-issue a preliminary order approving the transfer as issued on March 2, 2006.

If you have any questions regarding this matter, please call me at 287-4946.

Sincerely,



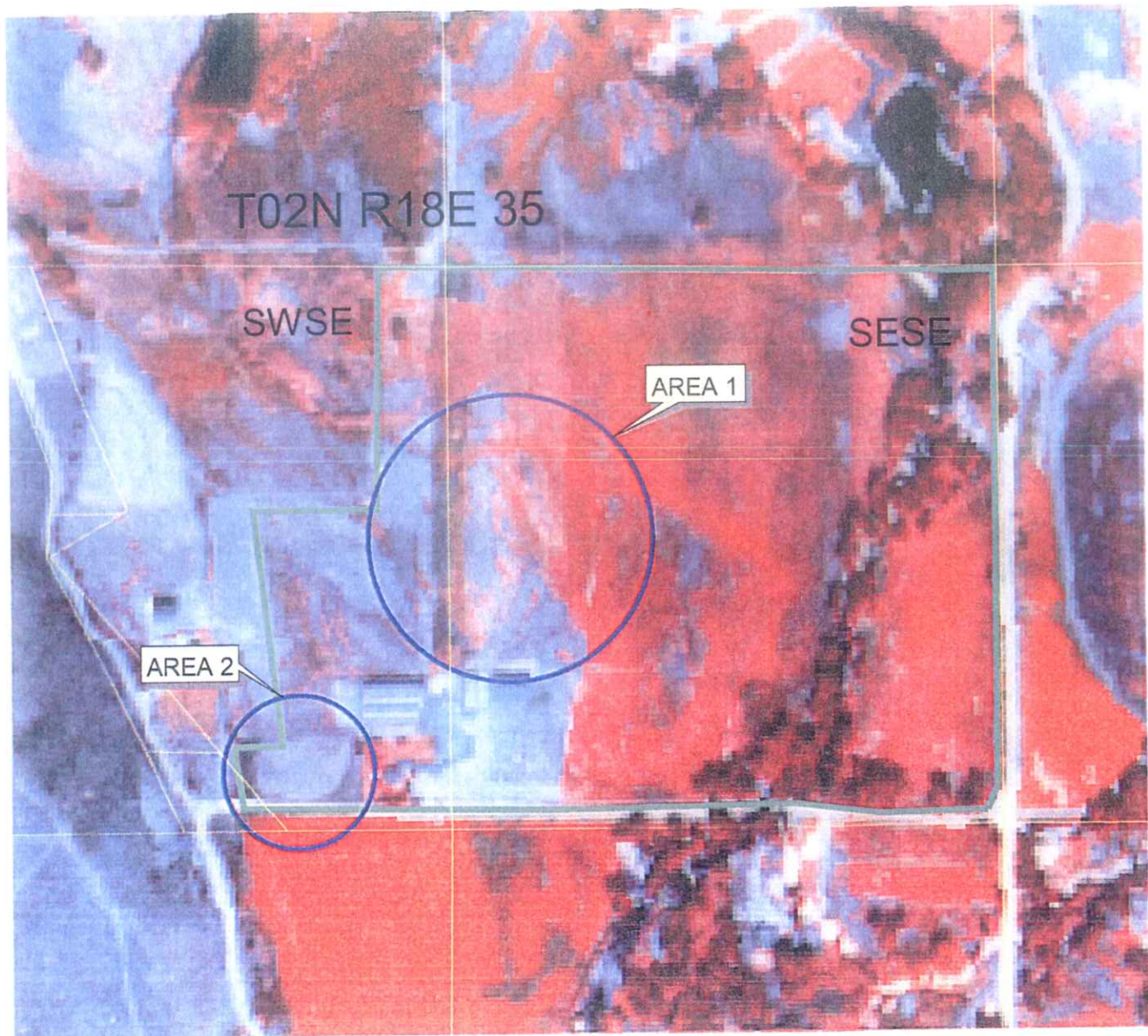
for Cynthia Bridge Clark
Water Right Permits Section

Enclosure

c: Allen Merritt: IDWR State Office

Idaho Department of Water Resource

Transfer No. 71145



Legend

- Quarter Quarter
-  Areas 1 & 2 requiring additional information
-  Draft SRBA claim Place of Use boundary
-  Administrative BasinsAdminbas.shp

