



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

November 26, 2003

KARL J. DREHER
Director

Charles G. Brockway
Brockway Engineering
2016 North Washington Street
Suite 4
Twin Falls, ID 83301

RE: Rinker/Riverview Transfers

Dear Mr. Brockway:

As you recall, on May 28th, 1999, Brockway Engineering submitted six transfer applications in the name of Harry S. Rinker. Four transfers involved three overlapping surface rights, portions of 37-521, 37-522, and 37-523, and the other two transfers involved portions of groundwater right 37-2640. The transfer applications involved property north of Hailey located on land east and west of Highway 75 that Harry Rinker purchased from John Chapman in the early 1990s. These six transfers were receipted (total filing fee \$600.00) and data entered in the Department's old computer system. These applications were assigned transfer numbers in the Department's old computer system, and assigned new numbers in the Department's new computer system resulting from the data migration as follows...

Old Transfer #	New Transfer #	Reason for Transfer
5555	66975	Modify portion of surface rights to reflect actual usage west of Highway 75
5556	66976	Modify portion of surface rights to reflect actual usage east of Highway 75
5560	66980	Transfers one-acre portion of surface rights from west of Highway to land further north in Wood River Valley.
5561	66981	Transfers one-acre portion of surface rights from west of Highway to land further north in Wood River Valley.
5584	67004	Splits groundwater right for a system for land west of Highway 75 leaving system east of Highway 75 as untransferred portion
5585	67005	Splits groundwater right to describe a different system for land west of Highway 75

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On November 29th, 1999, just prior to the advertising of the applications, you called and asked that processing of the applications be put on hold pending further notification. Apparently, Mr. Rinker had subdivided the land located west of Highway 75 into four lots which he had sold to new owners, and the new owners and each of their respective attorneys wanted to be involved in the pending water right transfers.

On December 14th, 2000 we received eight new transfer applications, without filing fees, that were intended to replace the previously filed six applications. The cover letter submitted with the applications does not request replacing the previously filed applications, but we have discussed this in several undocumented conversations. Four of the applications involved the three overlapping surface rights, portions of 37-521, 37-522, and 37-523, and the other four transfers involved portions of groundwater right 37-2640. These eight applications can be summarized as follows...

Transfer	Purpose of Transfer
Transfer #1 Surface Water	Filed by Riverview-Cloverly Irrigation, Inc to modify surface rights for the land west of Highway 75. (Note Rinker no longer owns any of this land.)
Transfer #2 Surface Water	Filed by Harry S. Rinker to modify surface rights for the land east of Highway 75 (property still owned by Rinker)
Transfer #3 Surface Water	Filed by Harry S. Rinker to move one-acre portion of surface rights from west of Highway to land further north in Wood River Valley.
Transfer #4 Surface Water	Filed by Harry S. Rinker to move one-acre portion of surface rights from west of Highway to land further north in Wood River Valley.
Transfer #1 Groundwater	Filed by Joyce Gordon to split off a portion of groundwater right for a system for Lot #1 west of Highway 75.
Transfer #2 Groundwater	Filed by Jacob Bloom to split off a portion of groundwater right for a system for Lots #2 and #3 west of Highway 75.
Transfer #3 Groundwater	Filed by Ward Woods to split off a portion of groundwater right for a system for Lot #4 west of Highway 75.
Transfer #4 Groundwater	Filed by Jacob Bloom to split off a portion of groundwater right for a system for the entrance area located on lots #1 and #2 west of Highway 75.

I looked these applications over and identified several issues that needed addressed in order to process the eight applications and on July 12, 2001, we met and discussed these issues. During our meeting, it was agreed upon that you would pursue obtaining the necessary information to process the applications, and I would proceed in data entering the new applications in the Department's new computer system. Four of the eight new transfer applications have been partially data entered in draft form in the Department's new computer system as follows...

Transfer	Transfer Number
Transfer #1 Surface Water	69269
Transfer #2 Surface Water	69271
Transfer #3 Surface Water	69272
Transfer #4 Surface Water	69308

It is my understanding that you have made several attempts to obtain the items needed to process the eight applications, but as of this date, no additional information has been submitted that would allow for continued processing of the eight applications. The items that need to be addressed with the applications are outlined as follows...

Insufficient Filing Fee Issue: The eight replacement transfer applications were submitted without filing fees, but filing fees were received on the first six transfers. The first six transfers were received and receipted prior to the change in transfer filing fees in July of 2000, so the total filing fee was \$600.00 (\$100.00 for each transfer). The eight replacement transfer applications were filed after the transfer filing fee schedule was implemented. You have indicated that the eight transfers would replace the first six transfers, but this would mean that two of the new transfers would not have any filing fee. I indicated that you could pick the smaller new transfers to submit the additional filing fees for. Note that three of the new groundwater transfers are for 0.20 cfs or less, which would require a filing fee of \$100.00 each. Therefore, at a minimum, we are still \$200.00 short in filing fees to cover the transfer package. As of this date, I have yet to receive any formal (written) request to replace the original six transfer applications (filed in 1999) with the eight replacement transfer applications (filed in 2000). In addition, I have yet to receive any formal (written) direction on how to apply the previous filing fees to the new applications, or received any additional filing fees to cover the two additional transfer applications.

Transfer #1 Surface Water (69269)

Point of Diversion Description Issue: Application lists the point of diversion as the location of the head of the Purdum Slough, a side channel of the Big Wood River. However, the head of the Purdum Slough is an unregulated channel, and the water master actually delivers the surface rights associated with the land west of Highway 75 from at least one headgate located at least one mile down the Purdum Slough from the point listed on the application. The application and maps included with the application are not consistent when describing the point(s) of diversion for this system.

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Transfer #2 Surface Water (69271)

No apparent reason why the transfer cannot be processed other than the fact that there are issues with all of the companion transfers and the previously mentioned issue regarding filing fees.

Transfer #3 Surface Water (69272)

Authority to File and Ownership Issue: Application lists Harry S. Rinker as the applicant, and the application proposes transferring water rights off of land that Mr. Rinker does not own. Examination of the deed for the property where the transfer proposes transferring the rights from reveals that Mr. Rinker conveyed the water rights involved with the transfer to the new owner (Jacob and Ruth Bloom). No authorization from the new owner was provided with the application. In addition, Mr. Rinker apparently does not own the land where the water rights are to be transferred to, and no ownership documentation for the proposed place of use was included with the application.

Transfer #4 Surface Water (69308)

Authority to File and Ownership Issue: Application lists Harry S. Rinker as the applicant, and the application proposes transferring water rights off of land that Mr. Rinker does not own. Examination of the deed for the property where the transfer proposes transferring the rights from reveals that Mr. Rinker conveyed the water rights involved with the transfer to the new owner (Jacob and Ruth Bloom). No authorization from the new owner was provided with the application. In addition, Mr. Rinker apparently does not own the land where the water rights are to be transferred to, and no ownership documentation for the proposed place of use was included with the application.

Transfer #1 Groundwater

Ownership Issue: Application identifies a 0.20 cfs and 10 acre portion of the groundwater right to be transferred for a system to cover lot #1, west of Highway 75. This amount was apparently agreed upon by the lot owners, but the deed for lot #1 conveys 0.22 cfs (11 acres) worth of the groundwater right to Lot #1.

Point of Diversion Description Issue: Application does not specify if the proposed point of diversion is an existing well, or a new well to be drilled. In addition, the map included with the application shows two wells on Lot #1, but the application only lists one well as a point of diversion.

Transfer #2 Groundwater

Ownership Issue: Application identifies a 0.20 cfs and 10-acre portion of the groundwater right to be transferred for a system to cover Lots #2 and #3, west of Highway 75. This amount was apparently agreed upon by the lot owners, but the deed for lot #2 only conveys 0.04 cfs (2 acres) worth of the groundwater right, specifically for the entrance area on Lot #2. No proof of ownership was submitted for Lot #3.

Authority to File Issue: Deed for Lot #2 conveys property to Jacob and Ruth Bloom, but the applicant is listed as only Jacob Bloom and the application was only signed by Jacob Bloom.

Point of Diversion Descriptions Issue: Application does not specify if the proposed points of diversion are existing wells, or new wells to be drilled.

Transfer #3 Groundwater

Authority to File Issue: Applicant listed as Ward Woods, but application is signed by Priscilla Woods. Deed for property involved with the transfer lists Ward and Priscilla as the owners of the property.

Point of Diversion Descriptions Issue: Application does not specify if the proposed points of diversion are existing wells, or new wells to be drilled.

Transfer #4 Groundwater

Ownership and Authority to File Issues: The application is filed in the name of Jacob Bloom, and signed by Mr. Bloom, and proposes diverting 0.10 cfs for a system to irrigate the 5.0 acres of the entrance area on Lots #1 and #2. No proof of ownership information was submitted that indicates that 0.10 cfs and 5.0 acres of the groundwater right are

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appurtenant to the entrance area on Lots #1 and #2. Jacob and Ruth Bloom own Lot #2, but Lot #1 is owned by Joyce Gordon. The Bloom deed says that they have 0.04 cfs (2.0 acres) for irrigation of entrance area on lot #2. No information was submitted showing ownership of rights for entrance area of Lot #1, or what gives Mr. Bloom authority to have the groundwater right for this system solely in his name.

Point of Diversion Descriptions Issue: Application does not specify if the proposed point of diversion is an existing well, or a new well to be drilled.

In summary, there are many issues that still need to be addressed that prevent the continual processing of these applications. It appears that very little, if any, progress has been made, or is being made, in addressing these issues. Therefore...

The Department requests the submittal of the necessary information outlined in this letter within 30 calendar days of the date of this letter. Failure to do so will result in the Department returning the applications to your office without further action. If the applications are returned, a formal (written) request must be made for our office to refund any associated filing fees. Please note that if the applications are returned, any processing of any future applications involving the related properties, or water rights, will not be prejudiced in any manner.

If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner", with a stylized, flowing script.

Corey Skinner, PE
Water Resource Engineer