

From: [Luvaas, Scott](#)
To: [Randy Vranes](#)
Cc: [Brent CROWTHER](#); [Robert Gentry](#)
Subject: RE: BRBA claim no. 11-7013
Date: Monday, September 11, 2023 12:19:00 PM
Attachments: [11-7013-B AMENDED NoticeOfClaim.pdf](#)
[11-7013-A AMENDED NoticeOfClaim.pdf](#)

Gentlemen,

Based on our email conversations, I've updated your previously submitted BRBA claims. I have renumbered both claims to 11-7013-A and 11-7013-B to reflect the respective licenses. I've have amended each claim to change the purpose of use from "domestic" to "municipal". For clarification, if the claims move through the adjudication process and the court decrees them, the resulting licenses will be held by Bailey Creek Community Association. There will be no need to submit an ownership change form because the adjudication process results in the same outcome. Please review these claims and if they are satisfactory, sign them and return them to me. I will then update your claims and mark them as active. If you have any questions or concerns along the way, please feel free to ask.

Best,

Scott Luvaas
Water Resource Agent
322 E Front St
Boise, ID 83720-0098
Scott.Luvaas@idwr.idaho.gov
208.287.4813



From: Randy Vranes <rkvrn@gmail.com>
Sent: Thursday, September 7, 2023 8:59 PM
To: Luvaas, Scott <Scott.Luvaas@idwr.idaho.gov>
Cc: Brent CROWTHER <bcrowther@civilize.design>; Robert Gentry <gentry@q.com>
Subject: Re: BRBA claim no. 11-7013

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Scott,

Thanks for your help with this issue, it certainly sounds as though we would want these rights with the Municipal designation. Also your help in getting both water rights listed under Bailey Creek Community Association name would be greatly appreciated.

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Please let us know what we can do to assist in this effort.

Randy

Sent from my iPhone

Randy Vranes
52 Caribou Rd
Soda Springs, ID
83276
w-208-547-4843
c-208-540-2163

On Sep 7, 2023, at 4:17 PM, Brent CROWTHER <bcrowther@civilize.design> wrote:

Scott,

Thank you for the quick response and the clarification. I thought I typed the A and B in the designated field, but apparently did not get the job done on that score.

Your suggestions are helpful. I will discuss that with Randy Vranes and the other members of the board of the BCCA, but suspect we will be wanting to change to the municipal water right designation.

On another note, I must have missed any notes on the water right report regarding a limitation for 49 homes and was operating off the number of lots in the defined service area and the reports from the members of the board related to connections and daily use intended some 40 plus years ago.

Brent E. "Husk" Crowther, P.E., PMP, CFM

Brent E Crowther, P.E. PMP, CFM
President
Civilize, PLLC
Management and Engineering
3853 W. Mountain View Dr.
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From: Luvaas, Scott <Scott.Luvaas@idwr.idaho.gov>
Sent: Thursday, September 7, 2023 4:12 PM
To: Brent CROWTHER <bcrowther@civilize.design>
Cc: RKVRAN@GMAIL.COM
Subject: RE: BRBA claim no. 11-7013

Brent,

Thank you for clarifying. Both your claims were missing the A and B portions of the claim number so I figured you were trying to claim 11-7013-B since that one was already owned by Bailey Creek. License 11-7013 is a parent license that is no longer active. It was split into 11-7013-A and 11-7013-B, both of which are active licenses. Nevertheless, I can help you resolve the numbering issues. There aren't any other glaring issues that I can see from my initial review.

As for your other questions, I can provide some explanation. There isn't a limit to how many lots can be on a domestic license. That was a limitation to the online application and hopefully that will be fixed by our IT department at some point. If your claims stay as domestic use, you will be limited to the 49 total homes that the two licenses describe. However, changing the use to municipal use would be beneficial. It would remove the number of homes limitation from the claim, leaving the rate and acre-feet limitations. Lastly, once the claims have successfully moved through the adjudication, both licenses will be owned by Bailey Creek Community Association. There will be no need to submit an Ownership Change form so you and TJ Budge don't need to spend time on that.

Let me know if you want me to clean up these claims so they reflect both licenses. I can change the use to municipal for each. I won't be in the office tomorrow but can get them to you early next week for your review. If you have any other concerns or if you need more clarification, please let me know.

Best,

Scott Luvaas
Water Resource Agent
322 E Front St
Boise, ID 83720-0098
Scott.Luvaas@idwr.idaho.gov

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IDAHO DEPARTMENT OF
WATER RESOURCES

From: Brent CROWTHER <bcrowther@civilize.design>

Sent: Thursday, September 7, 2023 11:18 AM

To: Luvaas, Scott <Scott.Luvaas@idwr.idaho.gov>; RKVRAN@GMAIL.COM

Subject: RE: BRBA claim no. 11-7013

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Scott,

Thanks for the inquiry. I expect you will be of some help for us.

I may need to look at the documents I submitted for Bailey Creek, but the intention was submittal of two forms that correlate to two water rights; 11-7013A and 11-7013B, both utilized to supply water to the Bailey Creek Community Association and both assigned to the same three diversion points. I have attached the water right report from the IDWR website for each water right as well as the printout from the Bear River Adjudication website, although I suspect you are already in possession of these documents.

When I entered the information into the IDWR website for the adjudication, the intention was to review the documents with the owner/client and perhaps consult their water rights attorney before making the final submittal. Unfortunately, there were instructions regarding the procedure to edit the documents through the history tab and I assumed that we could return to the website and make edits after the consultation with the owner. However, once I tapped the submit button, the message presented indicating that the submittal was final and editing could only occur with through submission of a paper copy.

That detail aside, there are a couple of questions we have regarding the submittal that perhaps you could answer for us, with an additional question arising based on your communication.

1. We are a little concerned that your interpretation that it was our intent to submit on a single water right as that may indicate we have missed something critical with our submission or have some other oversight. Perhaps we don't understand the numbering system and the A and B portions constitute the same water right, though that is not my assumption or experience. Could you elucidate us on the attached documents with respect to a single water right?
2. When submitting the information through the website, the drop-down menu on the form allowed an upper limit of 99 connections associated with a domestic right. The Bailey Creek Community Association water service area

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contains 184 lots and has from the outset of the development and the diversion rate of the two water rights for domestic use corresponds to that lot count.

1. Is there an upper limitation on the number of connections that can be associated with a domestic use? I have not heard of such before.
2. Can we change the value to 184 lots to the water rights with the domestic use?
3. Is it possible to change the use for the two water rights from domestic to municipal given the place of use as a community, the delivery through a public water system, and the number of connections?
3. One of the water rights used is listed under ownership of Terracor, which was the development company that originally developed the property. Terracor has long since gone bankrupt and apparently the ownership of the water right was not transferred through the bankruptcy proceedings as was the other water right.
 1. The Association is working with TJ Budge on rectifying that clerical oversight. However, do you see any issues with effecting that transfer of ownership?

Thank you and if it is easier to call and answer the questions, my contact information is found below.

Brent E. "Husk" Crowther, P.E., PMP, CFM

Brent E Crowther, P.E. PMP, CFM

President

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From: Luvaas, Scott <Scott.Luvaas@idwr.idaho.gov>

Sent: Thursday, September 7, 2023 10:23 AM

To: RKVRAN@GMAIL.COM; Brent CROWTHER <bcrowther@civilize.design>

Subject: BRBA claim no. 11-7013

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To: Bailey Creek Community Association
C/O Randy Vranes & Brent Crowther

Idaho Department of Water Resources has received two complete claims for water right 11-7013 from Bailey Creek Community Association. It appears that this was not intentional and only one claim was intended to be submitted. Could you confirm if this is accurate? If it is, I will send you a withdrawal form for one of the claims. Please let me know if you have any questions or concerns.

Best,

Scott Luvaas
Water Resource Agent
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208.287.4813



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