

Dean, Jennifer

From: Dean, Jennifer
Sent: Friday, February 10, 2006 5:26 PM
To: 'Conrad, Vic'
Subject: RE: Recommendations for Water Right Nos. 2-7103, 2-7104 and 2-7242D.

Vic,

First, I apologize for not returning your call earlier today. I was busy scoping our current status so that I could answer your question. When I returned, I discovered that you had already sent the fax. That is probably a good backup, since mail has had a hard time finding me this week.

Second, after reviewing your concern pertaining to water rights 2-7103, 2-7104 and 2-7242D with Don Shaff it looks like that the condition in question can be modified to just include Simplot Trust's water rights, 2-7103 and 2-7104, in the 9 cfs limit. The condition will remain the same as it currently exists on 2-7242D, limiting the combined diversion rate of all three water rights to 9 cfs. The same condition was added to all the water rights as a matter of convenience in the recommendation process.

Note: Changing the condition does not change the fact that 2-7242D was licensed to divert water from the same point of diversion as Simplot Trust's water rights, 2-7103 and 2-7104. This means that for 2-7242D to use water there will have to be some agreement established between you as water users which allows for rotation of irrigation. This agreement is not a formal procedure involving IDWR.

I hope that this addresses your concern. If you have any further questions about this situation, please call or e-mail.

Jennifer

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

From: Conrad, Vic [mailto:Vic.Conrad@simplot.com]
Sent: Tuesday, February 07, 2006 5:00 PM
To: Dean, Jennifer
Cc: Usabel, Mike
Subject: Recommendations for Water Right Nos. 2-7103, 2-7104 and 2-7242D.

Jennifer,

As I described during our conversation this afternoon, both licenses issued for 2-7103 and 2-7104 contain conditions limiting the total combined flow rate to no more than 9 cfs. There is no reference contained on either license to a third license, 2-7242D which is junior to both 2-7103 and 2-7104. I haven't seen the license issued for 2-7242D. However, the IDWR's preliminary recommendations for both 2-7103 and 2-7104 add a reference to water right 2-7242D including it among the condition limiting the combined flow to no more than 9.0 cfs under all three water rights.

Water right nos. 2-7103 and 2-7104 are both owned by the J. R. Simplot Self-Declaration of Revocable Trust ("Simplot Trust"). Water right no. 2-7242D is not owned by the Simplot Trust, and the Simplot Trust does not claim any interest in water right 2-7242D.

The licensed flow under 2-7103 is 6.2 cfs. The licensed flow under 2-7104 is 5.92 cfs. When used together, the combined use limit contained on these licenses (9.0 cfs combined total) prevents any diversion capacity available for 2-7242D.

Identifying 2-7242D among the 9.0cfs combined use limit for 2-7103 and 2-7104 may create an erroneous expectation for the owner of water right 2-7242D that capacity is available when the Simplot Trust is diverting water under 2-7103 and 2-7104. Unless there is a reason provided in the water right records to include 2-7242D among the combined use limit for 2-7103 and 2-7104, we prefer removing any reference

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to 2-7242D on the recommendations for the rights owned by the Simplot Trust.

It may be appropriate to add a condition to 2-7242D that identifies 2-7103 and 2-7104 as a condition limiting the use of water under 2-7242D. However, with the information available at this time, we do not think it is appropriate to add a condition to either 2-7103 or 2-7104 that may be interpreted as limiting the water rights held by Simplot Trust's water rights by water use under 2-7242D.