

75-13948
- 13950
- 14444
- 14446

Van Bussum, Monica

From: Van Bussum, Monica
Sent: Monday, November 09, 2009 10:17 AM
To: 'iarrington@centurytel.net'
Cc: dfcarey@quanesmith.net; Baxter, Garrick; Cooley-Denney, Suzy
Subject: RE: proposed withdrawal of objections to amended director's report

-14447
-14475

Hi Arden,

Thanks for your patience as we took some time to consider the proposal you enclosed in your last email.

IDWR can agree to change its recommended acreages for your properties to coincide with your proposal. We can also match your proposed rate of flow with some of the water rights, but not all. I have detailed our proposal below:

	WR#	Priority date	Arr. area	Arr. cfs	IDWR adj.
area IDWR adj. cfs					
Lot 11 (residence)	75-13948	1898	4	0.04	4
0.04					
	75-13950	1902	4	0.06	4
0.05					
Lot 1 (Vistas)	75-14444	1898	3.2	0.03	3.2
0.03					
	75-14446	1902	3.2	0.03	3.2
0.04					
Lot 2 (Vistas; Pensco)	75-14475	1898	3.2	0.03	3.2
0.03					
	75-14447	1902	3.2	0.03	3.2
0.04					
Total			10.4	0.22	10.4
0.22					

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table
attached
MVB
11/9/2009

In the table above, Arr. area and Arr. cfs stand for Arrington area and Arrington cfs, respectively, which represent the values you proposed in your letter of October 25. IDWR adj. area and IDWR adj. cfs stand for IDWR adjusted area and IDWR adjusted cfs, respectively.

As you see, IDWR's proposed flow rates for water rights 75-13950, 75-14446 and 75-14447 do not agree with your proposal. Your proposed flow rate for 75-13950 was 0.06 cfs and our proposal is 0.05 cfs. Your proposed flow rate for 75-14446 was 0.03 cfs and our proposal is 0.04 cfs. Your proposed flow rate for 75-14447 was 0.03 cfs and our proposal is 0.04 cfs.

I realize the flow rate is a little lower than you desire for 75-13950 and a little higher for 74-14446 and 75-14447. At first glance, you might ask why we can't just reduce the ones that are greater than your proposed rate and increase the one that's a little lower, and that's certainly a valid question.

There are two reasons we are unable to do this: 1) delivery system and 2) duty of water. The water to the residence is delivered via a different system than water to the Vistas lots. If we were to increase the cfs under 75-13950 and decrease it under the Vistas lots rights, we would essentially be moving water between systems, which requires an additional administrative proceeding and has the potential to cause conflicts among neighbors.

That hurdle can normally be jumped, but the issue of duty of water is significantly greater. To refresh your memory, duty of water is the amount of water to be used on each acre of land.

Per Section 42-220, Idaho Code, IDWR's state standard is 0.02 cfs, or one miner's inch, per acre of irrigated land. As we discussed several times on the phone, I calculated the flow rates for lower Wallace Creek rights based on the proportion of irrigated land they had on Lower Wallace Creek, keeping in mind IDWR's standard duty of water and taking into account some rounding. For example, under IDWR's proposals for 75-13948 and 75-13950, the 4 acres at the residence are entitled to 0.0225 cfs per acre (0.09 cfs divided by 4 acres), just above IDWR's state standard. This is in line with the recommended flow rate for all of the other water rights on lower Wallace Creek. However, if I were to change the flow rate on the water rights mentioned above to match your proposal, the duty of water would be 0.025 cfs per acre, which would put the duty of water on your residential property greater than that of your neighbors, making the water rights inequitable and potentially causing even greater conflicts among neighbors than we already have. Moving water from the Vistas lots to the residential lot would also make the duty of water on those lots inequitable when compared with the duty of neighboring landowners.

I realize this is a lot of information to process and I certainly welcome your questions. Our next hearing on this matter is scheduled for Monday, November 30.

Monica

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

From: iarrington@centurytel.net [mailto:iarrington@centurytel.net]
Sent: Sunday, October 25, 2009 11:58 AM
To: Van Bussum, Monica
Cc: dfcarey@quanesmith.net
Subject: proposed withdrawal of objections to amended director's report

Please review the attached. Please also provide confirmation that you received this. Happy Halloween.

Arden Arrington

	WR#	Priority date	Arr. area	Arr. cfs	IDWR adj. area	IDWR adj. cfs
Lot 11 (residence)	75-13948	1898	4	0.04	4	0.04
	75-13950	1902	4	0.06	4	0.05
Lot 1 (Vistas)	75-14444	1898	3.2	0.03	3.2	0.03
	75-14446	1902	3.2	0.03	3.2	0.04
Lot 2 (Vistas; Pensco)	75-14475	1898	3.2	0.03	3.2	0.03
	75-14447	1902	3.2	0.03	3.2	0.04
Total			10.4	0.22	10.4	0.22