

Robertson, Jean

From: Robertson, Jean
Sent: Monday, August 28, 2006 8:31 AM
To: Allen, Debbie
Cc: 'jason.helms@brockwayeng.com'
Subject: RE: receipt S027931, refund of \$100.00...

Brockway Engineering, PLLC

2016 North Washington Street #4

Twin Falls, Idaho 83301

Thanks for taking care of this! Jeanie

Jean,

We need a mailing address for Brockway Engineering.

Thanks,

DA

all
SCANNED
OCT 07 2020

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

From: Robertson, Jean
Sent: Friday, August 25, 2006 4:45 PM
To: Allen, Debbie
Cc: 'jason.helms@brockwayeng.com'
Subject: receipt S027931, refund of \$100.00...

Hi Debbie,

I'm pretty sure I haven't taken care of this yet... Brockway Engineering submitted two transfers about a year ago (8/18/2005) for G&G Dairy (72393) and Idaho Water Company (72389) and a check for \$500.00 (#5796). Each transfer required a \$250.00 fee at the time. One of the rights in the G&G Dairy transfer (36-8735) was and is still a permit. I told them that that right couldn't be included in the transfer, but that the permit needed to be amended instead. When I removed the permit from the transfer and its diversion rate of 0.13 cfs, the diversion rate for the transfer dropped from 0.28 cfs to 0.15 cfs. This reduced the fee on that transfer to \$100.00 instead of the \$250.00. But then there was a \$50.00 fee to amend the permit, which still results in an overpayment of \$100.00. They have requested I help them obtain the refund. Please give me a call if I haven't given you enough information and I need to explain more! Thanks for your help! Jeanie

Idaho Department of Water Resources Receipt

Receipt ID S027931

Payment Amount \$500.00 **Date Received** 8/18/2005 3:49:15 PM **Region** Southern
Payment Type Check **Check Number** 5796

Status

COPY

Payer BROCKWAY ENGINEERING PLLC**Comment** 2 Applications for transfer (G & G Dairy - \$250.00, and
Idaho Water Co. - \$250.00) Project 841-01-2005

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$500.00	TRANSFERS	0229	21	64106	1155


Signature Line (Dept. Representative)

JEANIE,
HERE ARE THE
LEGALS FOR G+G

— Jason —

I believe Pg 2 covers
the NWNW-3
— looks okay now —

Robertson, Jean

From: Robertson, Jean
Sent: Friday, August 25, 2006 4:45 PM
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Hi Debbie,

I'm pretty sure I haven't taken care of this yet... Brockway Engineering submitted two transfers about a year ago (8/18/2005) for G&G Dairy (72393) and Idaho Water Company (72389) and a check for \$500.00 (#5796). Each transfer required a \$250.00 fee at the time. One of the rights in the G&G Dairy transfer (36-8735) was and is still a permit. I told them that that right couldn't be included in the transfer, but that the permit needed to be amended instead. When I removed the permit from the transfer and its diversion rate of 0.13 cfs, the diversion rate for the transfer dropped from 0.28 cfs to 0.15 cfs. This reduced the fee on that transfer to \$100.00 instead of the \$250.00. But then there was a \$50.00 fee to amend the permit, which still results in an overpayment of \$100.00. They have requested I help them obtain the refund. Please give me a call if I haven't given you enough information and I need to explain more! Thanks for your help! Jeanie

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 36-08735

draft

Priority: January 10, 1992

Maximum Diversion Rate: 0.13 CFS
Maximum Diversion Volume: 26.5 AF

This is to certify, that G & G DAIRY
747 MORNING SUN DR
TWIN FALLS ID 83301

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	1/01 to 12/31	0.13 CFS	1.2 AF
STOCKWATER	1/01 to 12/31	0.13 CFS	25.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4NW1/4	Sec. 3, Twp 09S, Rge 17E, B.M.
JEROME County		
GROUND WATER	SW1/4NW1/4	Sec. 3, Twp 09S, Rge 17E, B.M.
JEROME County		

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	3						X	X	X									
								L 4											

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	3						X	X	X									
								L 4											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 1996**.
2. Subject to all prior water rights.
3. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 36-08735

4. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The proposed dairy operation under this amendment shall comply with applicable zoning and use ordinances of Jerome County.
Use of water under this amendment shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
The right holder shall not use water under this approval for a dairy operation larger than 600 milking cows and 100 dry cows and replacement calves and heifers.
This amendment approval authorizes the use of 0.13 cfs and 26.5 AFA under right no. 37-08767A for commercial and stockwater uses in connection with a dairy.
Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated within the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval of the department relative to the type of measuring device.
Two points of diversion are located within SWNW, S03, T09S, R17E. Failure to comply with the conditions of this amendment is cause for the director to rescind approval of the amendment.
7. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this _____ day of _____, 20_____.

KARL J DREHER, Director

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 36-8735

WATER RIGHT NUMBER: 36-8735

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SAMUEL R HARRIS 404 E HWY 26 SHOSHONE, ID 83352 (208)886-7709
Original Owner	LOUISA M HARRIS
Current Owner	, ZZ G & G DAIRY 248 E 200 N JEROME, ID 83338-0036 (208)324-5740

existing

Priority Date: 01/10/1992

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01 to 12/31	0.130 CFS	1.20 AF
STOCKWATER	1/01 to 12/31	0.130 CFS	25.30 AF
	<u>Total Diversion:</u>	0.130 CFS	26.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 3, Twp 09S, Rge 17E, B.M.
JEROME County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	3								X									

COMMERCIAL same as STOCKWATERConditions of Approval:

1. 052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
2. 053 The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 36-8735

4. The proposed dairy operation under this amendment shall comply with applicable zoning and use ordinances of Jerome County.
Use of water under this amendment shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
The right holder shall not use water under this approval for a dairy operation larger than 600 milking cows and 100 dry cows and replacement calves and heifers.
This amendment approval authorizes the use of 0.13 cfs and 26.5 AFA under right no. 37-08767A for commercial and stockwater uses in connection with a dairy.
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Two points of diversion are located within SWNW, S03, T09S, R17E. Failure to comply with the conditions of this amendment is cause for the director to rescind approval of the amendment.
5. 051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

Remarks:

Comments:

1. SCURTIS 8/11/1994 BASIN NUMBER CHANGE

Comment: If the amendment identified herein is approved, this right will need to be renumbered to Basin 36.

2. CZIMMERM 5/4/1995 AMENDMENT OF PERMIT

Comment: This portion of 37-08767 (part A) was amended from a groundwater source diverted from SWSE, S32, T05S, R18E for irrigation of 6.5 acres during 4/1-10/31 within SESE, S32, T05S, R18E; to a groundwater source diverted from SWNW, S03, T09S, R17E for year round use of 0.13 cfs for stockwater of 600 milkers & 100 non-milkers and 0.13 cfs for commercial use on a dairy (total of 0.13 cfs) located within SWNW, S03, T09S, R17E. Upon approval, this right need to be renumbered to basin 36.

3. MBALDWIN 6/4/1996 PROOF OF BENEFICIAL USE

Comment: Proof of beneficial use was filed and receipted at Southern Region on 6/3/96 and routed to State Office on 6/4/96, attn: Julie Yarbrough.

4. SCURTIS 6/5/1996 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 36-8735

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Original Owner	LOUISA M HARRIS ZZ
Current Owner	G & G DAIRY 747 MORNING SUN DR TWIN FALLS, ID 83301 (208)733-1225

*— amendment adds s/c
to 3 1/4 1/4's...
(see receipt # 5027931)*

Priority Date: 01/10/1992

Basis:

Status: Active

SourceTributary

GROUND WATER

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Location of Point(s) of DiversionGROUND WATER
JEROME County

SW1/4NW1/4

Sec. 3, Twp 09S, Rge 17E, B.M.

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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							s/c s/c s/c												

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 36-8735

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4. SCURTIS 6/5/1996 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Permit Proof Due Date: 6/1/1996
 Permit Proof Made Date: 6/3/1996
 Permit Approved Date: 4/17/1992
 Permit Moratorium Expiration Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Field Exam Date:
 Date Sent to State Office:
 Date Received at State Office:
 State or Federal:
 Owner Name Connector:
 Water District Number: 37M
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

~~XXXXXXXXXX~~

Robertson, Jean

From: Robertson, Jean
Sent: Thursday, March 15, 2007 12:20 PM
To: Keen, Shelley; Retelle, Erin
Subject: FW: 36-8735 amended permit/G&G Dairy...

This is the amended permit we have talked about several times in the past. I sent the email below to Jason at Brockway after we talked about his options in one of our transfer meetings and then he sent his response. I guess they don't want to amend the permit at this time after all, they just want the two transfers to proceed. So we should refund the \$50.00 amendment fee? I can contact Debbie if you agree and tell Pam to just proceed with the two transfers. Jeanie

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

From: Jason [mailto:jason.helms@brockwayeng.com]
Sent: Wednesday, November 15, 2006 2:21 PM
To: Robertson, Jean
Subject: RE: 36-8735 amended permit/G&G Dairy...

Jeanie,

I have thought about this, and processing the transfers is the highest priority, (the existing permit was only an afterthought anyhow) we can worry about the licensing and permit transfer at a later date. If there is anything you need to move forward on the transfers let me know.

Thanks,

Jason

From: Robertson, Jean [mailto:Jean.Robertson@idwr.idaho.gov]
Sent: Wednesday, November 08, 2006 3:26 PM
To: Jason
Subject: 36-8735 amended permit/G&G Dairy...

Jason,

We talked about this permit again at this morning's meeting and it seems there are some problems. Although we originally had you remove this permit from the transfer (72393) and file an amendment on the permit instead, we now realize that proof had **already been submitted in 1996 for the NWNW only**. The State Office is reluctant to amend and essentially enlarge the place of use on the permit now, because the right should be licensed as it was developed back in 1996.

This leaves a couple of options.

Ideally, we would want to conduct an exam, issue a license, and then add the right back into the transfer. (In this case, the fee we refunded would need to be resubmitted, but we would apply the \$50.00 amendment fee.) Since department personnel are committed to working on and completing the SRBA recommendations, it is unlikely an exam could be done until after the first of next year, at the earliest. If Brockway Engineering would like to conduct the exam, it would help to keep things moving. If a field exam can be done, we would commit to expediting the licensing. (Remember, however, that the exam would be verifying the use as of 1996, not as of today.)

Or your clients could choose to proceed with the transfer only at this time, and then wait for the permit to be licensed sometime in the future. In that case, we would refund the \$50.00 amendment fee. (Another transfer would be needed in the future to change the place of use on the new license.)

As you know, two transfers were filed together with one mitigation plan, 72393 - G&G and 72389 - Idaho Water

3/15/2007

Company. If you wish to wait on #72393 until the permit is licensed, but proceed with #72389, we would require another mitigation plan using only the one transfer.

Please let me know how your clients wish to proceed. Thanks, Jeanie

Robertson, Jean

From: Robertson, Jean
Sent: Wednesday, November 08, 2006 3:26 PM
To: 'Jason'
Subject: 36-8735 amended permit/G&G Dairy...

Jason,

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As you know, two transfers were filed together with one mitigation plan, 72393 - G&G and 72389 - Idaho Water Company. If you wish to wait on #72393 until the permit is licensed, but proceed with #72389, we would require another mitigation plan using only the one transfer.

Please let me know how your clients wish to proceed. Thanks, Jeanie

Robertson, Jean

From: Robertson, Jean
Sent: Wednesday, November 08, 2006 12:20 PM
To: Keen, Shelley
Subject: RE: Permit 36-8735...G&G Dairy

Then I guess we'd need to get the money back from them that we refunded because we took the permit out of the transfer which reduced the total diversion rate and thus the fee. I told Pam I'd draft an email or something to Jason at Brockway and tell him the options, but first I'll run it by you guys to make sure I've covered them all and that it makes sense!
Thanks, Jeanie

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

From: Keen, Shelley
Sent: Wednesday, November 08, 2006 11:56 AM
To: Robertson, Jean
Subject: RE: Permit 36-8735...G&G Dairy

Jeanie,

If neither have yet been advertised, then it should be easy to add it to the transfer, if we can get it licensed ASAP.
Shelley

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

From: Robertson, Jean
Sent: Wednesday, November 08, 2006 11:20 AM
To: Keen, Shelley
Cc: Retelle, Erin; Skaggs, Pam
Subject: RE: Permit 36-8735...G&G Dairy

We haven't advertised it yet though, that's what we're doing, getting it into parallel processing so it can be advertised. Does that make a difference? Neither the amendment nor the two transfers have been advertised yet.

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

From: Keen, Shelley
Sent: Wednesday, November 08, 2006 11:06 AM
To: Robertson, Jean
Cc: Retelle, Erin; Skaggs, Pam
Subject: RE: Permit 36-8735...G&G Dairy

Jeanie,

Ideally, we would conduct an exam, issue a license, and add the right to the transfer. Because you've already advertised the amendment, we wouldn't have to re-advertise the transfer. If we can't get an exam done, perhaps Brockway would do one to keep the ball rolling. (Pam said Brockway is involved in this.) He would have to be reminded that we have to verify the use as of 1996, not as of today.

If you can get an exam done, I would commit to expediting the licensing.
Shelley

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

From: Robertson, Jean
Sent: Wednesday, November 08, 2006 10:11 AM
To: Keen, Shelley; Retelle, Erin
Subject: Permit 36-8735...G&G Dairy

You are right, Shelley, proof was submitted on this permit in 1996 for only the SWNW of Sec. 3. Now they essentially are expanding it to add the NWNW and the SENW of Sec. 3. So how should we proceed here? Thanks, Jeanie

Robertson, Jean

From: Robertson, Jean
Sent: Wednesday, November 08, 2006 11:26 AM
To: Skaggs, Pam
Subject: RE: Permit 36-8735...G&G Dairy

I will let you know. Perhaps I will draft an email to Jason at Brockway and send you guys a copy first to make sure I have covered all the options and that it sounds okay before I send it...

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

From: Skaggs, Pam
Sent: Wednesday, November 08, 2006 11:22 AM
To: Robertson, Jean
Subject: RE: Permit 36-8735...G&G Dairy

Jeanie,

Let me know what is decided about the Permit & subsequently the transfer. I will hold both of the transfers until you advise me of their status.

Thanks,
Pam

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

From: Keen, Shelley
Sent: Wednesday, November 08, 2006 11:06 AM
To: Robertson, Jean
Cc: Retelle, Erin; Skaggs, Pam
Subject: RE: Permit 36-8735...G&G Dairy

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Robertson, Jean

From: Robertson, Jean
Sent: Thursday, November 02, 2006 12:47 PM
To: Retelle, Erin
Subject: Amended Permit 36-8735

Hi Erin,

This permit has been amended to change the place of use by adding the stockwater and commercial uses to the NWNW and SENW of Section 3, T09S, R17E. (As originally permitted, the uses were only in the SWNW.) They originally included this right with the changes on a transfer (72393) but we told them that since it was a permit, they would have to go through the amendment process for it. Del Kohtz has been bugging me about this and Mary finally got everything scanned so I have emailed Pam about his two transfers. They have paid the additional fees and this will need to be re-advertized, probably along with the transfers would be best. I have done the Arcview, the file has been scanned, and there is a draft document on A012. Let me know what you think. Thanks, Jeanie

Robertson, Jean

From: Jason [jason.helms@brockwayeng.com]
Sent: Wednesday, November 15, 2006 2:21 PM
To: Robertson, Jean
Subject: RE: 36-8735 amended permit/G&G Dairy...

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Please let me know how your clients wish to proceed. Thanks, Jeanie

11/15/2006

Robertson, Jean

From: Robertson, Jean
Sent: Thursday, November 02, 2006 11:34 AM
To: Skaggs, Pam
Subject: Transfer #72389 - Idaho Water Co.

Hi Pam,

This is Del's other transfer, this one brings in a little more water and creates a ppu of what's left of the old Phillips rights. (Same mitigation plan as #72393 - G&G Dairy.) File has been scanned and my memo and draft approval are on A012. Let me know what needs to be done. Thanks, Jeanie

Robertson, Jean

From: Jason [jason.helms@brockwayeng.com]
Sent: Monday, October 16, 2006 10:58 AM
To: Robertson, Jean
Subject: RE: Transfer #72389 - Idaho Water Co.

Jeanie,

Depending on how the model is setup determines whether mitigation is required. I don't recall exactly why I ran it the two different ways. The first run which showed no mitigation requirement included the entire historical use of the Idaho Water Co. water right 36-7378 while the second version only included the portion actually being transferred which is probably more appropriate? In any event, worst case analysis (only involving the portions being transferred) required Idaho Water Co to forgo pumping for the first year after transfer with full pumping available afterwards while G&G would face a stepped pumping schedule of 65% of the transferred volume the first year after approval and full transferred volume available afterwards. Sorry for the confusion, I expect my clients would be able to abide either determination as they were made aware of the possibility of initial pumping reduction requirements to meet ESPA guidelines.

Let me know if you need anything else.

Jason C. Helms, PE
Brockway Engineering
(208) 736-8543

SCANNED
OCT 07 2009

From: Robertson, Jean [mailto:Jean.Robertson@idwr.idaho.gov]
Sent: Wednesday, October 11, 2006 3:43 PM
To: Jason Helms
Subject: Transfer #72389 - Idaho Water Co.

Hi Jason,
I'm back trying to work on this again. (I think I've finished working on the G&G Dairy one (72393) and as soon as I get a handle on this, I will send them both to Pam.) Anyway, I'm confused and thought you might be able to answer a question for me. When you initially submitted the two applications, you also submitted a model run which showed no mitigation would be required and stated this in your letter. You also stated that the two transfers were being mitigated in one package. Then a couple weeks later you submitted another revised model run which showed a stepped reduction would be necessary. **My question is, would only the G&G transfer need the reduction or would Idaho H2O also need a reduction in pumping? It's just not clear to me.** As I understand it, one is going over 20 miles North and West down-gradient across the ESPA (G&G) and the other is going about 9 miles North and East up-gradient (ID-H2O). I haven't messed with the whole model thing in awhile and I'm just confused...When you get a chance to take a look at this, please let me know! If I could understand this, I could explain to Pam when she asks. Thanks, Jeanie

10/16/2006