

Cefalo, James

From: Rob Harris <rharris@holdenlegal.com>
Sent: Friday, January 21, 2022 5:12 PM
To: Cefalo, James; Hank Povey
Subject: USFWS 13-8081

James:

Here is my proposed draft condition on 13-8081 relative to Twin Lakes' Deep Creek storage water right. Feel free to tweak this language before you send out with the draft permit.

To prevent injury to downstream water rights, the right holder shall adhere to the following plan of operations: The right holder may capture and store water in the reservoir authorized by this right up to a maximum elevation of 4745.5 feet above sea level. At any time during the non-irrigation season of each year, holders of storage water rights on Deep Creek may call for delivery of water to satisfy such rights by providing notice to the right holder of the intent to divert water. When notice is provided, the right holder shall document the water elevation as of the day of the notice and provide the water elevation reading to the storage water right holders. The right holder may maintain the documented water elevation in the reservoir and shall make any necessary adjustments to the right holder's diversion structure(s) to allow water in excess of such water elevation to flow into Deep Creek. Upon notice that the storage water right holders are no longer diverting water into storage, the right holder may again store water under this right, unless and until notice is once again provided of intent to divert and store water, in which case, the provisions of this condition shall repeat.

Thanks,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

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