

Skinner, Corey

From: Dave Shaw <dshaw@eroresources.com>
Sent: Monday, August 10, 2020 2:27 PM
To: Skinner, Corey
Cc: Keen, Shelley; Brian Barsotti; John Simpson
Subject: Buckeye Farms Permits 36-17121 and 36-17122
Attachments: Memorandum Regarding Permit Nos. 36-17121 and 36-17122.pdf

Corey,

Thank you for discussing the last paragraph of Condition 12 with me by phone. The attached Memorandum is my understanding of how that paragraph can be implemented for these permits under conditions that could exist between now and April 15, 2021. If your understanding is different please let me know so Buckeye can move ahead with development of the permits.

Thanks again,
Dave

David Shaw

ERO Resources Corporation
Consultants in Natural Resources and the Environment
4001 E Main Street | Emmett, ID 83617
208.365.7684 | dshaw@eroresources.com | www.eroresources.com

Memorandum

To: Corey Skinner

From: Dave Shaw

August 10, 2020

Re: The Last Paragraph of Condition 12 of Water Right Permit Nos. 36-17121 & 2

CC: Shelley Keen, Brian Barsotti, John Simpson

Thank you for discussing this condition with me on August 3, 2020. The particular paragraph that we discussed is as follows:

The initial (first) report submittal shall include data for items listed in (a) and (b) above for at least a year prior to the initial report submittal date and for the next year after the initial report submittal for items listed in (c) above. Subsequent reports shall reflect the time period from the previous report submittal for items listed in (a) and (b) above and for the next year for items listed in (c) above.

From our discussion I understand the intent of the paragraph is to ensure mitigation activities that are described under Condition 12. (a) of water right permit nos. 36-17121 and 36-17122 will occur prior to the diversion of ground water under either of these permits.

The ongoing nature of the mitigation activities is described in the Expert Report dated February 7, 2020 already on file in the contested case regarding these permits. If Buckeye were to divert ground water under the new permits prior to January 1, 2021, Buckeye requests the Expert Report on file satisfy the Condition 12 (a) requirements for 2020. If ground water is diverted in 2020 those diversions will be reported as required by Condition 12 (b) by April 15, 2021.

On April 15, 2021 Buckeye will submit an updated mitigation report as required by Condition 12 (a) as well as the amount of ground water diverted in 2020, if any, as required by Condition 12 (b). Buckeye will also submit the estimated acres and crop types that will be irrigated with ground water in 2021 along with the pond area to be supplied with ground water in 2021 as required by Condition 12 (c) of the permits.

If these proposed actions do not satisfy all of the Condition 12 requirements, please let me know by September 15, 2020 so Buckeye can obtain a better understanding of the requirements of Condition 12.

Thank you for your consideration.