

MEMORANDUM

January 10, 2020

Water Right: 37-8739

Author: Scott Storms

Subject: Field Exam Review Memo

A field exam of water right permit (WR) 37-8739 was received from Zach Latham, Hydrologist for Brockway Engineering, on August 26, 2019. This permit was issued on September 18, 1992 and proof of beneficial use submitted on October 13, 1992. The permit was tabled until a letter was received by the Department from Brockway Engineering on behalf of the permit holder, on July 20, 2010, stating that the permit holder had requested Brockway Engineering complete the field exam. On July 22, 2010, Shelley Keen, Water Rights Section Manager with the Department, responded and granted that permission to Brockway Engineering.

In reviewing the application for permit, it was apparent that the purpose of this permit was to develop a pond on Seamans Creek that would help supply a more continuous flow through the creek and to the pump points of re-diversion further downstream. On the application for 37-8739, section 6 stated that "Earth dam across Seamans Creek will store natural flow. Water will be let out into the natural channel to supply 2 existing pumps that deliver decreed irrigation rights. Flow rates to the pumps will thus improve". These pumps also serve as one of the points of diversion (POD) listed on water right 37-22582. WR 37-22582 is the culmination of SRBA Adjudication claims 27-1198 and 37-1200, which were combined during the SRBA proceedings to create 37-22582. In reviewing the claim file of 37-1200, it was apparent that this was the original claim associated with the two pumps. Remarks on page 4 of the Adjudication Claim Verification Report (page 38 in Adjudication Claim File scan documents) referenced these same two pumps and stated that they water about 14 acres of pasture. These remarks also stated that an application for permit had been filed to cover a proposed storage dam that would provide higher flows when needed to feed the pumps. This review and associate field exam was dated June 10, 1991 and the application for 37-8739 was dated received on March 4, 1991, so it was apparent that the claim review remarks were referring to the application for permit 37-8739 (the current review).

The permitted POU was for a total of 13.8 acres, including 1.0 ac. in the NENE, 2.5 ac. in the NWNE, 8.8 ac. in the SWNE, and 1.5 ac. in the SENE of Sec. 32, T02N, R19E. The map included with the application outlined the area to be irrigated under the permit. All the acres except those in the SENE were authorized for irrigation under decreed rights 37-22582 and 37-22797, also held by the permit holder. Condition 10 on the permit stated that "This permit does not authorize the development and irrigation of new land not previously irrigated". Parcel data maintained by the Department showed the acres in the SENW of Sec. 32, T02N, R19E, as owned by the BLM. In review of aerial imagery from 1992 and Landsat imagery from 1991, 1992, and 1993, it was clear that irrigation had taken place on the acres owned by the Shoemakers and authorized by this permit, and potentially some of the acres owned by the BLM.

The exam conducted by Brockway Engineering stated that "Two pumps currently divert water simultaneously for irrigation around the residence from Seamans Creek at the point of re-diversion". It continues to state that "The northern pump irrigates the northern side of the creek around the residence", and that "The southern pump irrigates the southern side of the creek around the residence". The examiner then outlined a total of 4.9 acres surrounding the residence and made a POU recommendation of 4.3 acres in the NWNE and 0.6 acres in the SWNE of Sec. 32, T02N, R19E. In reviewing this outlined shape, it appears in aerial imagery that the shape includes a swath of riparian area around the stream. However, in reviewing photos submitted by the examiner, it does appear irrigation does occur up to the stream's edge, and therefore the recommendation of 4.9 acres does seem valid and I recommend this acreage for licensing.

The examiner calculated annual volume for storage by multiplying the surface area of the pond at 1.2 acres by the average depth of 6 ft for a volume of 7.2 afa, and this was his recommendation for volume on the irrigation storage. The examiner stated in the narrative that the pond was lined, so no seepage needed to be accounted for, however the examiner did not account for any evaporation. His recommendation for annual volume on the irrigation storage was 7.2 af.

To determine an annual volume for irrigation from storage, the field examiner calculated both the irrigation requirement volume for the POU acres, as well as the diversion rate and days of irrigation volume for those same acres, and recommended the lesser of the two, which was the irrigation requirement volume of 17.2 afa, (based on the 4.9 acre recommendation and 3.5 afa field headgate).

The examiner's overall volume recommendation for licensing was 7.2 af for irrigation storage and 17.2 af for irrigation from storage, and an accumulative total of 24.6 af. The permit only authorized 12.0 afa for irrigation storage and 12.0 afa for irrigation from storage and a combined volume of 12.0 afa.

I completed the standard IDWR Pond Loss Calculation sheet to calculate pond volume (attached). I used the same surface area of 1.2 acres and average depth of 6 feet. I set the seepage to zero because the pond was lined, and I used climatic data from the Hailey Ranger Station ET Idaho weather station to calculate evaporation losses. These calculations resulted in a pond capacity of 7.2 af, and annual evaporative loss of 2.0 af, for a total of 9.2 af required for irrigation storage, well within the 12 af allowed by the permit. I recommend the full 12 af for irrigation storage, which would allow for a small amount of refill (2.8 af). I then recommend 10 af annually for irrigation from storage, in order to account for the 2 af of evaporative losses.

The field examiner included a diversion rate reported by meters installed on the pumps at the point of re-diversion from the stream, however the department does not require a diversion rate for on-stream storage and only requires an annual volume, therefore no diversion rate is required for this license on neither the irrigation storage nor the irrigation from storage.

In reviewing the examiners condition recommendations, he stated that all conditions of the permit had been met. This appears to be an oversight, as condition No. 8 (18A) on the permit stated: "*Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.*" The examiner stated in his narrative and his condition recommendations that the topographic conditions at the inlet did not allow for accurate measurement. Additionally, in the examiner's detailed description of the outlet of the reservoir, there was no mention of a measuring device. This lead me to believe that there was no means of measuring the water entering or released from the reservoir and therefore condition 8 had not been met.

According to IDAPA rule 37.03.02.035.02.d:

Field reports which indicate that a measuring device or lockable controlling works, required as a condition of approval of the permit, has not been installed, are not acceptable and will be returned to the examiner unless the measuring

device requirement or lockable controlling works requirement has been formally waived or modified by the Director.

Following these guidelines, the exam was returned to the examiner on October 2, 2019, and a Notice of Intent to Void Permit was drafted and sent to the permit holder on the grounds of an unfulfilled permit condition. Both the letter included with the returned exam, and the notice included explanations of how to fulfil requirements of the condition as well as explained that, if fulfilled in a timely manner, the priority date would not be affected.

As for the rest of the conditions, the examiner recommends the removal of conditions 1 (Proof due), 6 (052), 7 (053), 9 (18B), and 10 (074), all of which I agree with. He also recommended retaining condition 3 (R04) and 4 (R39), which I also agree with, however R04 should be updated to R05, and R39 updated to R43. The examiner recommended dropping condition 5 (052), however I believe this trust water condition should be retained on the license but updated to condition 933. He recommended retaining condition 2 (806), however this condition is now inactive and should be removed. He also stated that special condition 11 on the permit, which states: *The point of re-diversion is from a recreational pond back into Seamans Creek* should be removed because it is not correct. I agree that the description is not correct but I believe a condition should remain on the license that properly describes the point of re-diversion. I also believe combined limit condition R67 should be added in order to limit the rate to 0.03 cfs per acre and the volume to 3.5 af/acres.

Additionally, conditions 259 and 220 should be added in order to specifically outline the size and capacity of the pond as well as what portions of the 12 af authorized by the license is dedicated to initial fill, replacement of seepage and evaporation losses, and for partial refill. Condition 934 should be added describing when the right holder must cease diversion for consumptive use in relation to minimum stream flows not being met in the Snake River at the Murphy Gauge. Condition R70 should also be added to explain the duty of water for irrigation storage rights.

On November 15, 2019, I received an email from Zach Latham with an attached waiver letter written and signed by Kevin Lakey, watermaster for water district 37. The letter stated that he (Kevin Lakey), waived condition #8 on the permit, requiring the measuring devices that allow monitoring of the amount of water entering and leaving the reservoir. I informed Zach that only the Department has authority to waive a condition on a permit and that an official request for waiver must be submitted to the department for review. On November 20th, 2019, a letter formally requesting waiver of condition #8 on the permit, signed by Robert Marcroft, was received by the Department, along with the returned field exam.

On November 26, 2019, a meeting was held between myself, licensing specialist Dan Nelson, and Water Rights Section Manager Angie Grimm, to discuss the condition waiver. Results of that discussion were that installation of a permanent staff gauge at the deepest portion of the pond would suffice for a measuring device, and rather than fully removing condition 18A (#8 on the permit), it should be replaced with condition 18C, with the "prior to diversion" portion modified so that it reads " Upon future notification, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir." It was also determined that condition 222 should be added in order to outline the requirement of installing and maintaining a staff gauge. Those requirements were also presented to the IDWR Compliance section for input, and both Rob Whitney and Steve Visosky concurred with those requirements.

On December 23, 2019, a letter was set to Mr. Shoemaker and cc'd to Zach Latham or Brockway engineering, informing them of this decision and proving the permit holder 30 days to install the staff gauge. On January 9, 2020, an email was received from Zach Latham which included two photos of a staff gauge installed on the outlet valve gate, which Zach stated is the deepest part of the pond. This gauge should fulfill the measurement device requirement as discussed by Department administrators.

Storms, Scott

From: Storms, Scott
Sent: Friday, January 10, 2020 12:59 PM
To: 'Zach Latham'
Cc: 'Erick Powell'; marcrofthrob@earthlink.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condion Waiver

Thank you Zach. I will add these to the file today and forward it on for final review and signature.

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Thursday, January 9, 2020 11:09 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: 'Erick Powell' <erick.powell@brockwayeng.com>; marcrofthrob@earthlink.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condion Waiver

Scott-
Attached are the pictures of the staff gauge installed on the outlet valve gate frame in the deepest part of the Pond. It's my understanding that with receipt of these pictures, IDWR can finish processing the licensing exam associated with permit 37-8739 as we have met the 30 day photo evidence requirement for submittal of gauge installation. Please let me know if you have any questions, we look forward to receiving the licensing approval.

Zach Latham

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zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Storms, Scott [<mailto:Scott.Storms@idwr.idaho.gov>]
Sent: Friday, January 03, 2020 9:34 AM
To: Zach Latham
Cc: 'Erick Powell'; marcrofthrob@earthlink.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condion Waiver

Hello Zach,

I sent out a letter just before Christmas outlining what our administrators deemed acceptable for a measuring device. The letter went out to both you and Mr. Shoemaker and basically explained that the Department would be satisfied with a staff gauge installed at the deepest part of the pond. Once we receive a photo of that gauge installed, we can complete the licensing process. If you have not received this letter, it should arrive very soon. I'm attaching a copy to this email as well.

Feel free to contact me with any further questions.

Scott

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Monday, December 30, 2019 9:17 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: 'Erick Powell' <erick.powell@brockwayeng.com>; marcrofthrob@earthlink.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condion Waiver

Scott-
Where is IDWR in the processing of this licensing exam?
Thank you.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
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zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Storms, Scott [<mailto:Scott.Storms@idwr.idaho.gov>]
Sent: Monday, December 02, 2019 9:53 AM
To: Zach Latham
Cc: 'Erick Powell'; marcrofthrob@earthlink.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condion Waiver

Good morning Zach,

Yes, the request for a waiver has been received and is being discussed. With everyone's busy schedule and the holiday weekend, I am still waiting on a final response but we should have an answer soon. Thank you for your patience.

Scott







State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 23, 2019

ALVIN V SHOEMAKER
DBA SHOEMAKER PROPERTIES
55 UNION PL # 283
SUMMIT NJ 07901-2563

RE: Condition Waiver Request, Permit No. 37-8739

Dear Mr. Shoemaker:

On November 20, 2019, The Department of Water Resource received your request for waiver of condition #8 on permit No. 37-8739, which reads: "*Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.*" Upon managerial review, that waiver request has been denied. However, through the process of that review, a simplified resolution was discussed and managers determined that the installation of a staff gauge at the deepest portion of the pond would suffice as a proper measuring device to monitor the amount of water entering and released from the reservoir. This resolution was also discussed with the Compliance section of the Department, and they concurred that a staff gauge would suffice. The Department will allow you 30 days from the date of this letter to provide proof, through photo evidence, that a staff gauge has been installed. If evidence is not provided, the Department will be required to move forward with voiding of the permit.

Please feel free to call or email me if you have any further questions.

Sincerely,

Scott Storms
Water Resource Agent, Senior
Idaho Department of Water Resources
(208) 287-4915
Scott.storms@idwr.idaho.gov

CC – Zach Latham Brockway Engineering

Total Storage Calculations

FILE NUMBER	XX-XXXXX
REVIEWER	Joe Agent
DATE	1/1/2000

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	1.2	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	6	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	7.2	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	2.0	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	9.2	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Flow Rate into Pond (CFS)	1.00	The "Flow Rate into Pond" depicts the actual flow, either measured or estimated, into the pond. For offstream facilities, this will be equivalent to "diversion to storage" rate.
Highest Daily Evaporation Rate From Evaporation Tab. (mm/Day)	4.01	This number is carried over from the "Evaporation Loss" sheet. It is the highest recorded number in the "Precipitation Deficit Table".
Required Daily Maintenance Volume (AF/Day)	0.02	"Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year to maintain pond volume. It is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by dividing the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement.
Minimum Maintenance Flow (CFS)	0.01	The "Minimum Maintenance Flow" is the minimum amount of flow required to maintain the level of the pond. This number is determined by dividing the "Maximum Required Daily Maintenance Volume" by 1.9835. This flow can be used to determine if the flow rate into the pond is adequate to maintain the pond level.
Days Required to Fill the Pond	4	The "Days Required to Fill the Pond" is calculated by dividing the "Pond Capacity" by the "Flow Rate" minus "Minimum Maintenance Flow" multiplied by 1.9835. This section will assist you in determining if the flow rate being diverted to the pond is adequate to fill the pond while maintaining the pond level. The length of time to fill the pond will help determine if the flow rate is adequate for the size of pond being proposed. <i>If this number is approximately 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond.</i>
Days Required to Fill the Pond at 13,000 Gallons per Day	299	Some water users may want to fill a pond under the 13,000 gallons per day domestic exemption. The "Days Required to Fill the Pond at 13,000 Gallons per Day" is calculated by converting the "Pond Capacity" and the "Required Daily Maintenance Volume" to gallons. The "Pond Capacity" is then divided by 13,000 gallons minus the "Required Daily Maintenance Volume" in gallons to determine the number of days to fill pond. <i>If this number is approximately 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond.</i> Negative values indicate that the supply of 13,000 gallons per day is not enough volume to overcome the required daily maintenance volume; the pond will never fill.

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	37-8739
REVIEWER	Scott Storms
DATE	9/27/2019

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:
P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.
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Instructions: 1. Use the link below to navigate to ET Idaho 2012. 2. Select the station which is most representative to your pond location. 3. Click Submit Query. 4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size. 5. Click the link to "Precipitation Deficit." 6. Reference and copy (ctrl + C) the first subheading "Mean" values. 7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Hailey RS NWS USC00103942

Month	mm/day ¹	Days per month	mm/Month
Jan	-1.42	31	0.00
Feb	-0.75	28	0.00
March	-0.01	31	0.00
April	1.26	30	37.80
May	2.15	31	66.65
June	2.87	30	86.10
July	4.01	31	124.31
August	3.35	31	103.85
September	2.04	30	61.20
October	0.78	31	24.18
November	-0.78	30	0.00
December	-1.68	31	0.00
Total mm/year =			504.09

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months. For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

$$\left(\frac{504.09}{304.8} \right) \times 1.20 = 2.0 \text{ AFA}$$

Storms, Scott

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Monday, December 2, 2019 9:54 AM
To: Storms, Scott
Cc: 'Erick Powell'; marcroftthrob@earthlink.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condon Waiver

Thanks for the update Scott, we look forward to hearing back from you.

Zach Latham

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zach.latham@brockwayeng.com

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From: Storms, Scott [mailto:Scott.Storms@idwr.idaho.gov]
Sent: Monday, December 02, 2019 9:53 AM
To: Zach Latham
Cc: 'Erick Powell'; marcroftthrob@earthlink.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condon Waiver

Good morning Zach,

Yes, the request for a waiver has been received and is being discussed. With everyone's busy schedule and the holiday weekend, I am still waiting on a final response but we should have an answer soon. Thank you for your patience.

Scott

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Monday, December 2, 2019 9:27 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: 'Erick Powell' <erick.powell@brockwayeng.com>; marcroftthrob@earthlink.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condon Waiver

Scott-

I believe Mr. Robert Marcroft mailed Mr. Spackman a letter the week of November 18th, 2019 requesting waiver of measurement condition #8 on permit 37-8739. Can you please confirm IDWR has received the letter?
Thank you for your time.

Zach Latham

Hydrologist
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f. 208-736-8506

zach.latham@brockwayeng.com

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From: Storms, Scott [<mailto:Scott.Storms@idwr.idaho.gov>]
Sent: Monday, November 18, 2019 3:56 PM
To: Zach Latham
Subject: RE: Water Appropriation Permit No. 37-8739; Condon Waiver

Sounds good Zach, I'll keep my eye out for it.

Scott

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Monday, November 18, 2019 3:37 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: 'Erick Powell' <erick.powell@brockwayeng.com>; marcrofthrob@earthlink.net; watermanager@cableone.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condon Waiver

Scott,

Thanks for your email. We will be providing a letter to the Director from Mr. Bob Marcroft requesting a waiver of the condition on the permit along with the signed waiver from Mr. Lakey. We will copy you on our submittal to Mr. Spackman.

Thanks for your time.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
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zach.latham@brockwayeng.com

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From: Storms, Scott [<mailto:Scott.Storms@idwr.idaho.gov>]
Sent: Monday, November 18, 2019 2:22 PM
To: Zach Latham
Cc: 'Erick Powell'; marcrofthrob@earthlink.net; watermanager@cableone.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condon Waiver

Zach,

I reviewed the submitted waiver from Watermaster Kevin Lakey, and although the Director will typically refer to the watermaster in these situations, the Director of the Department of Water Resources is the only one who has the authority to waive a measurement condition. As such, in order to officially obtain a waiver of this condition, the permit holder or a representative with written authority to sign for the permit holder, must submit a letter to the Director (Gary Spackman) requesting waiver of the condition. At this time, there is nothing on record appointing you, or anyone from Brockway Engineering, as an official representative in matters concerning this permit. The only representative who has been designated by Mr. Shoemaker at this time is Bob Marcroft. An official request, along with a copy of the waiver from the watermaster, needs to be addressed to the Director and signed by either Mr. Alvin Shoemaker or Mr. Bob

Marcroft. If Mr. Shoemaker would like to submit written authorization for you to sign on permit matters, and you subsequently compose and submit the request, that would suffice as well.

Thanks again and let me know if you have any further questions.

Scott

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Monday, November 18, 2019 9:58 AM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: 'Erick Powell' <erick.powell@brockwayeng.com>; marcrofthrob@earthlink.net; watermanager@cableone.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condon Waiver

Thank you Scott,
We will be putting the beneficial use exam and waiver in the mail today.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
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From: Storms, Scott [<mailto:Scott.Storms@idwr.idaho.gov>]
Sent: Monday, November 18, 2019 9:56 AM
To: Zach Latham
Cc: 'Erick Powell'; marcrofthrob@earthlink.net; watermanager@cableone.net
Subject: RE: Water Appropriation Permit No. 37-8739; Condon Waiver

Zach,

I have received your email and will review this information today. I should be back in touch over the next couple days.

Scott

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915

Scott.Storms@idwr.idaho.gov

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]

Sent: Friday, November 15, 2019 2:45 PM

To: Storms, Scott <Scott.Storms@idwr.idaho.gov>

Cc: 'Erick Powell' <erick.powell@brockwayeng.com>; marcroftthrob@earthlink.net; watermanager@cableone.net

Subject: Water Appropriation Permit No. 37-8739; Condon Waiver

Mr. Storms,

Attached is a condition waiver approval signed by Water District 37 Water Master Kevin Lakey that waives the need for measurement devices to be installed on the inlet and outlet of the irrigation storage facility associated with the permit. Brockway Engineering will be mailing you back the field exam previously submitted with the waiver included. This email is intended to demonstrate to the Department that we have met the timeline to avoid the voiding of permit 37-8739 as outlined in your attached October 22nd 2019 letter.

Please confirm receipt of this email. Thank you and please watch for our forthcoming beneficial use exam submittal.

Zach Latham

Hydrologist

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All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.