

Skinner, Corey

From: Travis Thompson <tlth@idahowaters.com>
Sent: Friday, April 26, 2019 3:46 PM
To: Skinner, Corey; lmarchant@holdenlegal.com
Cc: Erick Powell; Jonas Reagan
Subject: RE: Transfer # 81943 (Double Eagle Properties LLLP)

Corey,

I left a message with Luke to that effect. If it is just correcting things that were erroneously mislabeled, no problem here.

Travis

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Friday, April 26, 2019 3:37 PM
To: Travis Thompson; lmarchant@holdenlegal.com
Cc: Erick Powell; Jonas Reagan
Subject: RE: Transfer # 81943 (Double Eagle Properties LLLP)

I believe it is just implementing corrections and that the "spirit of the agreements" are covered. Maybe Luke can weigh in on it and work with Jonas if need be?

From: Travis Thompson [mailto:tlth@idahowaters.com]
Sent: Friday, April 26, 2019 3:33 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; lmarchant@holdenlegal.com
Cc: Erick Powell <erick.powell@brockwayeng.com>; Jonas Reagan <jreagan@idahowaters.com>
Subject: RE: Transfer # 81943 (Double Eagle Properties LLLP)

All,

I'm getting ready to leave and will not be able to review this until the week of May 6th. If that is an issue and you need a response next week please contact Jonas Reagan in my office and hopefully he can assist. If the draft approval is just implementing correct legal descriptions that were not properly identified in the stipulation I am fine with that, just want to ensure the stipulation is carried forward as intended.

Thanks

Travis

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Friday, April 26, 2019 2:56 PM
To: lmarchant@holdenlegal.com; Travis Thompson
Cc: Erick Powell
Subject: Transfer # 81943 (Double Eagle Properties LLLP)

Gentlemen,

As you recall we held a pre-hearing conference on September 18, 2018 on protested Transfer # 81943 in the name of Double Eagle Properties LLLP. The application was protested by the Twin Falls Canal Company and Milner Irrigation

District. In addition, there were several intervenors. Travis represented the two Protestants and most of the intervenors.

During the conference, a stipulation and withdrawal of protest was submitted where the Twin Falls Canal Company withdrew their protest and the Milner Irrigation District conditionally withdrew their protest as long as the applicant's proposed permissible place of use did not include any land within the Milner Irrigation District's service area.

On November 5, 2018, IDWR received a stipulation to resolve intervenor's protests. This agreement indicated that the applicant would eliminate a proposed point of diversion and agree to restrict pumping at existing wells to certain amounts.

I have attached a draft approval document that I believe incorporates the intent of the submitted stipulations. I would appreciate your review of the draft approval and your response, before the approval is issued.

Some items of note...

- Milner Irrigation District's concern should be addressed by noting the adjustments to the authorized place of use for all of the rights (acre adjustments in Sections 19 and 24). This resulted in an overall reduction in the proposed permissible place of use from 2277 acres to 2097.5 acres.

The stipulation to resolve intervenor's protests appears to have had some typos in the "Agreements" Section (page 2 and 3 of stipulation). I incorporated the following corrections into the attached draft approval...

- The stipulation to resolve intervenor's protests identified the eliminated proposed point of diversion as the SWSE of Section 30, T11S, R20 E (the application did not identify a diversion at this location, but did identify a location just across the section line to the south). I believe this should have been identified as the proposed diversion in the **NENENW of Section 31**, T 11S, R20E. The proposed diversion in the NENENW of Section 31, T 11S, R20E is not included in the draft approval as an authorized diversion for any of the groundwater rights.
- The stipulation to resolve intervenor's protests identified a pumping restriction of 3.63 cfs at an existing point of diversion located at SWNWSW Lot 3, Section 31, T11S, R19 E. This description should probably have read SWNWSW Lot 3, Section 31, T11S, **R20 E**. The pumping restriction of 3.63 cfs is identified as being associated with the well in the SWNWSW Lot 3, Section 31, T11S, R20 E. (See Condition # 1 on all of the groundwater rights in the attached draft approval)
- The stipulation to resolve intervenor's protests identified a pumping restriction of 0.75 cfs at an existing point of diversion located at SESNW Lot 2, Section 30, T11S, R20 E. This description should probably have read **SESWNW** Lot 2, Section 30, T11S, R20 E. The pumping restriction of 0.75 cfs is identified as being associated with the well in the SESWNW Lot 2, Section 30, T11S, R20 E. (See Condition # 1 on all of the groundwater rights in the attached draft approval)

As indicated previously, I would like to have your response, hopefully agreeing to the proposed changes mentioned above, before issuing the approval. I would like to get this one finished as soon as we can. I know the applicant and his well driller are anxious to get started on one of the proposed new wells.

Thanks,

Corey