

Cefalo, James

From: Cefalo, James
Sent: Thursday, March 21, 2019 3:10 PM
To: 'allenranch@outlook.com'; tlt@idahowaters.com; jar@idahowaters.com; wkf@pmt.org
Subject: Application for Transfer 82835 (Allen)
Attachments: Amended Application 82835.pdf

Dear Parties,

We conducted a pre-hearing conference for this contested case on January 16, 2019. During the conference, the protestants asked why the application had not included the other two water rights delivered to the pivots (29-2340 and 29-7031). Mr. Allen agreed to amend his transfer application to include the other two water rights and to create a combined place of use for all three of the rights, better reflecting how ground water is used on the property.

Attached is the amended Application for Transfer 82835. The three water rights, as decreed, authorize 255 irrigated acres. The amended application proposes removing 11 acres from the combined water rights because of non-use. The SRBA partial decrees for water rights 29-2340 and 29-7031 included a condition limiting the water rights to a combined diversion rate of 2.90 cfs. Therefore, after water right 29-13991 (0.23 cfs) is added to the mix, the total combined diversion rate will be 3.13 cfs on 244 acres (0.013 cfs/acre).

Even though the application states that the total authorized under the rights is 4.61 cfs, this amount does not incorporate the combined diversion rate limit described above. To prevent enlargement of the rights, the transfer approval will carry forward the combined limits from the partial decrees. The three water rights will be limited to 3.13 cfs.

If the amendment addresses the protestants' concerns, please file a withdrawal of protest. If the amendment does not address the protestants' concerns, or if the Department can facilitate another discussion, please let me know and we will schedule a status conference in early April.

James Cefalo
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