

MEMORANDUM

TO: Water Right File 37-8856 and 37-23100

FROM: Daniel Nelson – Analyst 3

DATE: July 3, 2018

SUBJECT: Review of Order Withdrawing Preliminary Order for Licensing of Permits 37-8856 and 37-23100

Permit 37-8856 was filed to provide water to an asphalt plant and a cement plant under single ownership in Basin 37. A portion of permit 37-8856 was considered non-consumptive and a portion of the permit was considered to be a consumptive use. Permits issued in Basin 37 requires mitigation for all consumptive uses. The property was subsequently sold to two separate owners, so permit 37-8856 was split into two portions. The portion of the original permit for the asphalt plant retained the permit number 37-8856, and the portion of the original permit for the cement plant was given a new water right number, 37-23100.

On February 28, 2018, the Idaho Dept. of Water Resources (Department) issued a preliminary order voiding permit 37-23100. The order stated that the uses described in the field report for water right 37-23100 were consumptive, and the mitigation needed to authorize the consumptive use had not been accomplished.

In response to a petition for reconsideration, on June 18, 2018, a preliminary order was issued stating that a portion of the water use authorized by permit 37-23100 should be considered non-consumptive. Therefore, the preliminary order voiding the permit has been withdrawn and a license should be issued for permit 37-23100. Since the issue with permit 37-23100 appears to have been resolved, we can also move forward with the licensing of permit 37-8856.

Whereas a hearing has been held, both water rights should be licensed based on the information provided in the hearing. The following is the recommended diversion rates and volumes included in the hearing record. I have included the location in the hearing record of each recommendation.

37-23100 should be licensed as follows:

Diversion rate will be limited to 0.92 cfs as recommended in the original field report (Exhibit 6 in the Hearing Record).

The volume will be limited to 4.1 af as determined in the hearing in Exhibit 7A provided by Rocky Mountain Environmental Associates.

37-8856 should be licensed as follows:

Diversion rate will be limited to 0.23 cfs as recommended in the original file report (Exhibit 6 in the Hearing Record).

The volume will be limited to 3.1 af as determined in the Addendum to the field report (Exhibit 3 in the Hearing Record).

Conditions:

Conditions for 37-8856 were addressed in Daniel Nelson's review memo dated February 15, 2018. Whereas permit 37-23100 was included with permit 37-8856 at one time, the same conditions would apply to both rights. The only difference would be that 37-8856 would describe an asphalt batch plant, and permit 37-23100 would describe a cement plant.

Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, July 03, 2018 9:31 AM
To: 'Kristin Moore'; 'Roger Warner'
Subject: RE: Permit 37-23100

Hello Kristin,

I did get a chance to speak with Shelley briefly this morning. We are going to move forward with preparing the license for water right 37-23100 and 37-8856, but we do not feel it is appropriate to issue the licenses until the order for water right 37-23100 has become final.

I wanted to provide the following information, so you will know how the two permits will be licensed. I have included the location in the hearing records where the information being used to determine the amounts to be licensed are located.

We will license 37-23100 as follows:

Diversion rate will be limited to 0.92 cfs as recommended in the original field report (Exhibit 6 in the Hearing Record).

The volume will be limited to 4.1 af as determined in the hearing in Exhibit 7A provided by Rocky Mountain Environmental Associates.

We will license 37-8856 as follows:

Diversion rate will be limited to 0.23 cfs as recommended in the original file report (Exhibit 6 in the Hearing Record).

The volume will be limited to 3.1 af as determined in the Addendum to the field report (Exhibit 3 in the Hearing Record).

Both water rights will be limited to non-consumptive use only.

Both water rights will be licensed based on the information provided in the hearing, so we shouldn't need any further information from you to move forward with licensing. Any information that you would provide outside of the hearing records could be considered, but you would need to provide justification why it was not presented in the hearing and why it should be considered beyond the scope of the information already provided in the hearing. The hearing records and exhibits have been scanned to the water right back file and can be accessed in the water right search on our webpage. The link is

<http://www.idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=37&Sequence=23100&SplitSuffix=>

If you have any questions or concerns, please don't hesitate to contact me.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

From: Nelson, Dan
Sent: Monday, July 02, 2018 5:02 PM
To: 'Kristin Moore' <kristin.rmea@gmail.com>
Subject: RE: Permit 37-23100

Kristin,

At this point, I am waiting on Shelley to give me the go ahead to start working on this permit again. The order hasn't become final yet, so I don't know if we are going to wait until it is a final order before we start processing the permit or not. As soon as I find out what the plan is, I will let you know.

Thank you.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Kristin Moore [<mailto:kristin.rmea@gmail.com>]
Sent: Monday, July 02, 2018 4:47 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: 'Warner, Roger' <rog.rmea@gmail.com>
Subject: Permit 37-23100

Dan,

We received a copy of the most recent order for permit 37-23100. It appears that this has been placed back in your hands for licensing. What do you need us to provide to enable this permit to be licensed for all of the non-consumptive uses, including the concrete batch plant at the Walter Ready Mix plant in Bellevue?

Thanks,

Kristin Moore
Senior Water Rights Analyst
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