

Miller, Nick

From: Keen, Shelley
Sent: Wednesday, July 25, 2018 5:56 PM
To: vhof@copper.net
Cc: Miller, Nick
Subject: Water Appropriation Permit 63-34500

Dana,

I appreciated receiving your call today about your permit, no. 63-34500. The concern you expressed was about the applicability of condition no. 8, which limits the combined use of your permit and other rights to the storage of no more than 5.0 AF of water for irrigation purposes each year. The condition is based on the statutory limitation in Idaho Code § 42-202(3). Your concern is that it may be challenging to comply with the condition because it's difficult to know how much storage water you are receiving from Farmer's Union Canal for irrigation in addition to the amount you would be storing for irrigation pursuant to your own right.

As a practical matter, I think your existing irrigation practices address your concern. Based on my reading of the record and our discussion, I understand that you rely entirely on Farmer's Union Canal water for your irrigation most years. It is only in the most extreme dry years when adequate storage water from the Boise Project is not available to Farmer's Union that you would divert ground water pursuant to your permit for irrigation storage purposes. Because you are not using your permit to fill your pond with irrigation storage while also receiving Farmer's Union Canal water, it is unlikely you will exceed the annual limitation of 5.0 AF/acre of water for irrigation storage and irrigation from storage in any year. To be absolutely sure, you could measure diversions from your pond for irrigation and stop irrigating when the total has reached 4.5 AF/acre. (See conditions 5 and 7.)

As we agreed, I've copied this email to Nick Miller so he can include it in your water right file to document our discussion.

Regards,

Shelley Keen

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