

Cox, Sharla

From: TJ Budge <tjb@racinelaw.net>
Sent: Tuesday, April 03, 2018 3:53 PM
To: Cefalo, James
Cc: Cox, Sharla; Bryce Contor; Kristin Moore; Roger Warner
Subject: HK Contractors app for permit 25-14462

James,

IGWA is familiar with the application for permit filed recently by HK Contractors for water right no. 25-14462. Bryce Contor, Kristin Moore and Roger Warner brought this application to my attention even before it was published, which is much appreciated. I have discussed with them a couple concerns I have, namely: (i) unmitigated depletions to the ESPA, and (ii) my view that Idaho Code 42-111(b) may not allow an exempt domestic well to be used for evaporation because the "total use" proposed under the application exceeds 0.04 cfs or 2,500 GPD.

I discussed this application with the IGWA Board last week. The IGWA Board shares my concerns but ultimately decided to, rather than file a protest, share its concerns with IDWR as an "interested person" and/or "public witness" under IDAPA 37.01.01 and trust that IDWR will impose such conditions as are necessary to ensure that the permit, if issued, will not "reduce the quantity of water under existing water rights" as required by Idaho Code 42-203A(5). Given the state of affairs of the ESPA and the mitigation currently required of existing groundwater users, it is our view any new diversions from the ESPA that are not fully mitigated will reduce the quantity of water under existing rights.

Thank you for your consideration of these matters.

Sincerely,

T.J. Budge
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