

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 61-07731

PRIORITY: June 12, 2017

Maximum Diversion Rate: 22.68 CFS
Maximum Diversion Volume: 962.0 AF

It is hereby certified that:

ELMORE COUNTY BOARD OF COMMISSIONERS ELMORE COUNTY COURTHOUSE
150 S 4TH E STE 3 MOUNTAIN HOME ID 83647

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 21, 1997, and has submitted Proof of Beneficial Use on June 12, 2017. An examination confirms water is diverted from:

SOURCE:
CANYON CREEK

TRIBUTARY:
SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
GROUND WATER RECHARGE	01/01 to 12/31	22.68 CFS	962.0 AF

LOCATION OF POINT(S) OF DIVERSION:

CANYON CREEK SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Twp 03S, Rge 06E, B.M. ELMORE County
CANYON CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, Twp 03S, Rge 06E, B.M. ELMORE County

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	06E	10	X			X						X							

CONDITIONS OF APPROVAL

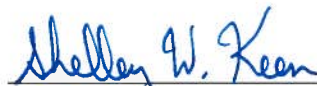
1. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61A.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Pursuant to Section 42-234(3), Idaho Code, the Director may reduce the amount of water that may be diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 61-07731

5. This right is not an authorization for the described recharge effort to be used as mitigation or credit for any other purpose. The sufficiency of the recharge effort authorized under this right for mitigation or credit for some other purpose may be determined by the Department upon proper submission of a mitigation plan pursuant to the Department's Rules of Conjunctive Management of Surface and Ground Water Resources, a mitigation plan to offset depletion in association with a water right application, a Management Program pursuant to Idaho Code Section 42-1416B, or any other proposal to utilize credit for the recharge effort.
6. Seepage from Canyon Creek incidental to or coincident with delivery of water to the recharge sites shall not be considered ground water recharge under this right.
7. This right is subject to all prior water rights, including those water rights for power purposes that may otherwise be subordinated by contract entered into by the governor and Idaho Power Company on October 25, 1984, and ratified by the legislature pursuant to section 42-203B, Idaho Code.
8. This right is for the use of trust water, and it is subject to review 20 years after date of permit approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
9. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the uses authorized by this right.
10. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
11. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

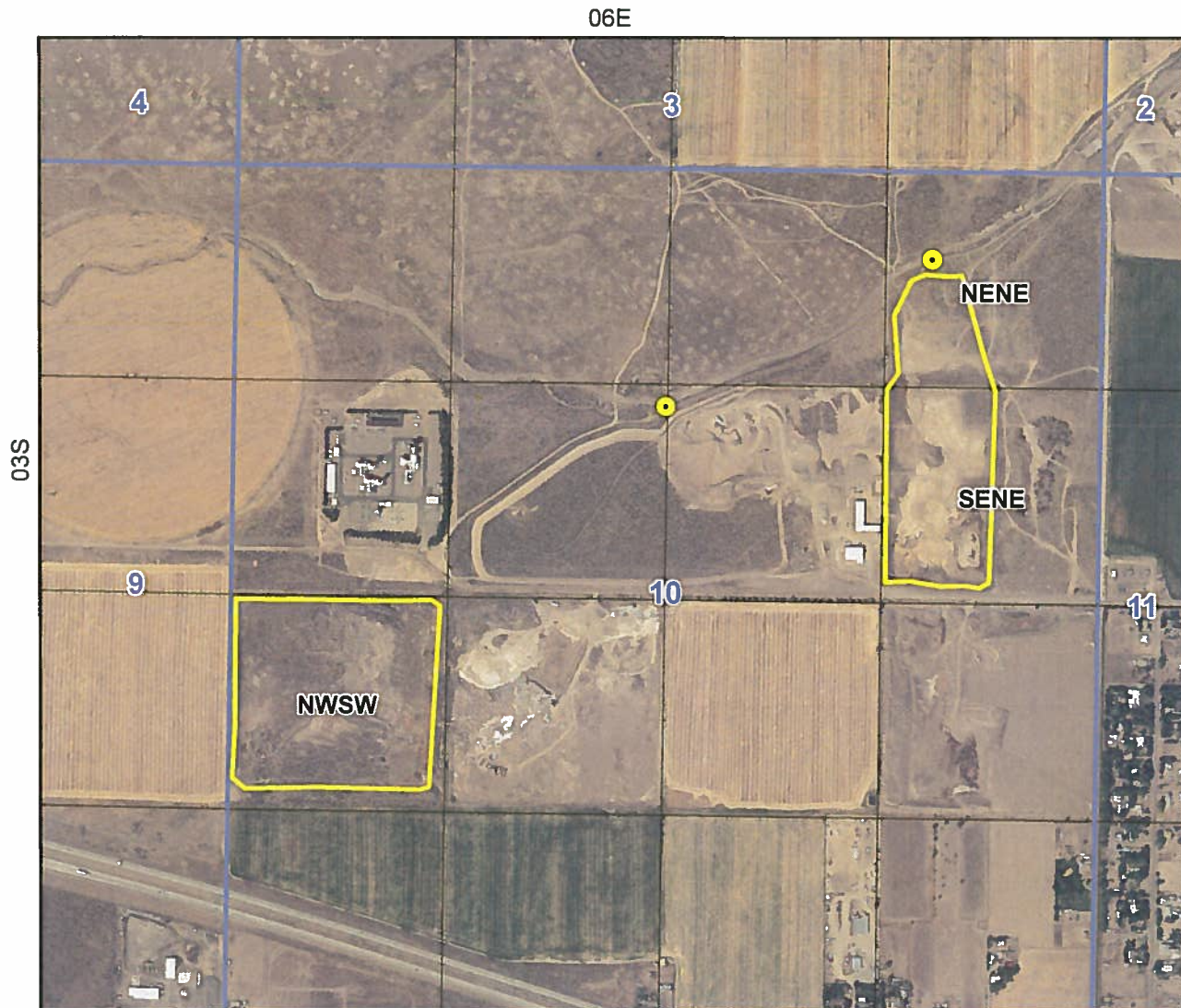
Signed this 20th day of February, 2018.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
61-7731

This map depicts the GROUND WATER RECHARGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 20, 2018

ELMORE COUNTY BOARD OF COMMISSIONERS
ELMORE COUNTY COURTHOUSE
150 S 4TH E STE 3
MOUNTAIN HOME ID 83647

RE: License No. 61-7731

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Pamela Skaggs', written over a faint, larger signature.

For Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

cc: SCOTT L CAMPBELL
SPF WATER ENGINEERING LLC
WATER DISTRICT #61A

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 61-7731

**SCOTT L CAMPBELL
CAMPBELL LAW CHTD
PO BOX 170538
BOISE ID 83717**

**ELMORE COUNTY BOARD OF COMMISSIONERS
ELMORE COUNTY COURTHOUSE
150 S 4TH E STE 3
MOUNTAIN HOME ID 83647**

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
300 E MALLARD DR STE 350
BOISE ID 83706**

**WATER DISTRICT #61A
TERRY SEEGRIST
140 S 3RD E
MOUNTAIN HOME ID 83647**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07731

RECEIVED**FEB 14 2018****DEPARTMENT OF
WATER RESOURCES****PRIORITY:** June 12, 2017

Maximum Diversion Rate: 22.68 CFS
Maximum Diversion Volume: 962.0 AF

Comes now

ELMORE COUNTY BOARD OF COMMISSIONERS ELMORE COUNTY COURTHOUSE
150 S 4TH E STE 3 MOUNTAIN HOME ID 83647

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 61-07731, and requests that the permit be changed as follows:

SOURCE:
CANYON CREEK

TRIBUTARY:
SNAKE RIVER

BENEFICIAL USE

GROUND WATER RECHARGE

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

22.68 CFS

ANNUAL DIVERSION VOLUME

962.0 AF

LOCATION OF POINT(S) OF DIVERSION:

CANYON CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, Twp 03S, Rge 06E, B.M. ELMORE County
CANYON CREEK SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Twp 03S, Rge 06E, B.M. ELMORE County

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	06E	10	X			X						X							

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 9th day of FEBRUARY, 2018.

SEE ATTACHED SIGNATURE PAGE

(Signature)

ELMORE COUNTY, a political subdivision of the State of Idaho

By: Albert Hofer
Albert Hofer, Chairman

By: Wesley R. Wootan
Wesley R. Wootan, Commissioner

By: Franklin L. Corbus
Franklin L. Corbus, Commissioner

ATTEST:

Barbara Steele
Barbara Steele, Elmore County Clerk

Date: 2/9/2018

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07731

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Receipted by TK # C104663 Date 2-16-18

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 61-07731 with the following:

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61A.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Pursuant to Section 42-234(3), Idaho Code, the Director may reduce the amount of water that may be diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
5. This right is not an authorization for the described recharge effort to be used as mitigation or credit for any other purpose. The sufficiency of the recharge effort authorized under this right for mitigation or credit for some other purpose may be determined by the Department upon proper submission of a mitigation plan pursuant to the Department's Rules of Conjunctive Management of Surface and Ground Water Resources, a mitigation plan to offset depletion in association with a water right application, a Management Program pursuant to Idaho Code Section 42-1416B, or any other proposal to utilize credit for the recharge effort.
6. Seepage from Canyon Creek incidental to or coincident with delivery of water to the recharge sites shall not be considered ground water recharge under this right.
7. This right is subject to all prior water rights, including those water rights for power purposes that may otherwise be subordinated by contract entered into by the governor and Idaho Power Company on October 25, 1984, and ratified by the legislature pursuant to section 42-203B, Idaho Code.
8. This right is for the use of trust water, and it is subject to review 20 years after date of permit approval to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07731

9. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the uses authorized by this right.
10. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
11. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 20th day of February, 2018.



SHELLEY W. KEEN
Water Rights Section Manager

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, February 14, 2018 3:45 PM
To: 'Scott Campbell'
Subject: RE: permit application fee

Scott,

It looks good. I will let the front desk at our State Office know that the check is on its way, and what to do with it.

Thank you.

Dan Nelson

From: Scott Campbell [mailto:scott@slclexh2o.com]
Sent: Wednesday, February 14, 2018 3:08 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: FW: permit application fee

Dan,

Please note.

Scott

From: Shelley Essl [mailto:sessl@elmorecounty.org]
Sent: Wednesday, February 14, 2018 3:06 PM
To: Scott Campbell <scott@slclexh2o.com>
Subject: permit application fee

Hi Scott,

The check for the fee is out in the mail to Dan at the PO Box 83720 address.

Shelley Essl
Chief Deputy Clerk
Elmore County Clerk's Office
150 South 4th East
Mountain Home, ID 83647
Phone: 208-587-2130 ext 210
Fax: 208-587-2159





RECEIVED

FEB 14 2018

DEPARTMENT OF
WATER RESOURCES

P.O. Box 170538 • Boise, ID 83717
(208) 949-0599 • scott@slclexh2o.com • www.slclexh2o.com

February 13, 2018

Dan Nelson, Senior Water Rights Examiner
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

Re: Water Permit No. 61-7731 Application for Amendment for Licensing Purposes

Dear Dan:

I have enclosed the executed original of the above described document.
Please proceed with the licensing process as soon as possible and notify me of its completion.

If you have any questions, please contact me or Terry Scanlan.

Thank you and Shelley Keen for all of your assistance in this matter. It has been an interesting journey.

Best regards,

A handwritten signature in blue ink that reads "Scott L. Campbell".

Scott L. Campbell

C: Client
Buzz Grant
Terry Scanlan
Shelley Keen

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, February 14, 2018 1:37 PM
To: 'Scott Campbell'
Cc: 'budcorbus@gmail.com'; 'sessl@elmorecounty.org'; 'Buzz Grant'; 'Terry Scanlan'
Subject: RE: Water Permit No. 61-7731

Scott,

I have added you as the Attorney and Terry Scanlan as Representative for Elmore County's permit 61-7731.

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: Wednesday, February 14, 2018 1:16 PM
To: Scott Campbell <scott@slclexh2o.com>
Cc: budcorbus@gmail.com; sessl@elmorecounty.org; Buzz Grant <bgrant@grantlawpllc.com>; 'Terry Scanlan' <TScanlan@spfwater.com>
Subject: RE: Water Permit No. 61-7731

Hello Scott,

I received the amendment for water right permit 61-7731 today, but I didn't receive the \$100.00 amendment fee. Without the fee, we cannot process the amendment. I can hold the amendment for 30 days for the fee to be submitted, then I am required to return the amendment as not able to process. When the fee is submitted, I would appreciate it if the document including the fee referenced permit 61-7731. Including the water right number on the check or cover letter will ensure it gets to me.

Thank you for your consideration.

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

From: Terry Scanlan [<mailto:TScanlan@spfwater.com>]
Sent: Monday, February 12, 2018 5:27 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: budcorbus@gmail.com; sessl@elmorecounty.org; Buzz Grant <bgrant@grantlawpllc.com>; Scott Campbell

<scott@slclexh2o.com>

Subject: FW: Water Permit No. 61-7731

Dan – Thanks for the explanation. I guess I misunderstood the 1999 notes.

Scott, Bud, Buzz, and Shelley E - A revised licensing amendment is attached for signature.

Terry

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]

Sent: Monday, February 12, 2018 2:42 PM

To: Terry Scanlan <TScanlan@spfwater.com>

Subject: RE: Water Permit No. 61-7731

Terry,

The water diverted during the 1999 recharge even all went into the pit in the SENE tract. There wasn't enough water to fill all of the pits in that area during the 1999 event. That is why I only included the pit in the SENE quarter.

The map included with my memo was a map of notes for possible recharge sites **prior** to the 1999 recharge event (please see previous page that clearly defines them as field notes). There was not enough water diverted into the northern pit (NENE and SENE) of the upper recharge site to spill over to the southern pit (NESE).

The BLM permit only allowed the use of the S1/2 of the NENE and the E1/2 of the SENE. The NESE was not included on the BLM permit. If you notice on the map, the gravel pit on the east side of the SENE was also included, but that pit was also not included in the BLM permit, so it couldn't be used. I can include the NENE, but I can't include the NESE.

A review of Scott's field examination also shows the place of use in the NENE and SENE. It also doesn't include the NESE. Therefore, we cannot include the NESE, because it wasn't even used when they had the highest amount of water available in the last 20 years. I have attached a third amendment to cover this change.

The only reason that I can make this change is that water could have been put in the NENE during the 1999 event. We cannot use this permit to authorize a use that is proposed in the future. A new permit is the proper way to get additional new uses and places of use authorized.

Please let me know if there is anything else that I can do to help.

Dan Nelson

From: Terry Scanlan [<mailto:TScanlan@spfwater.com>]

Sent: Monday, February 12, 2018 1:36 PM

To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; Scott Campbell <scott@slclexh2o.com>

Cc: Buzz Grant <bgrant@grantlawpllc.com>; budcorbus@gmail.com; sessl@elmorescounty.org; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>

Subject: RE: Water Permit No. 61-7731

Dan –

Bud Corbus pointed out that the place of use in Section 10 did not include the portion of the gravel pit located in the NENE. I subsequently looked at the attached 1999 field notes map contained with your review memo and it indicates recharge in the NENE, SENE, and NESE. We are now wondering if the place of use should include lands in the NENE, SENE, and NESE? Please review and let us know what you think. Thanks.

Terry

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Friday, February 9, 2018 10:55 AM
To: Scott Campbell <scott@slclexh2o.com>
Cc: Buzz Grant <bgrant@grantlawpllc.com>; budcorbus@gmail.com; sessl@elmorecounty.org; Terry Scanlan <TScanlan@spfwater.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Subject: RE: Water Permit No. 61-7731

Scott,

That sounds good. I will cancel the meeting. Thank you and Terry for your help and assistance.

Dan Nelson

From: Scott Campbell [<mailto:scott@slclexh2o.com>]
Sent: Friday, February 09, 2018 10:49 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: Buzz Grant <bgrant@grantlawpllc.com>; budcorbus@gmail.com; sessl@elmorecounty.org; Terry M. Scanlan (tscanlan@spfwater.com) <tscanlan@spfwater.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Subject: RE: Water Permit No. 61-7731

Dan,

Thank you for your help on this. Based upon my conversations with Terry, I believe the Elmore County Commissioners will sign the Amendment Application today.
Consequently, please cancel the meeting we requested.

I will send you the executed Amendment Application when I return from my meeting with the Commissioners.

Best regards,

Scott

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Thursday, February 8, 2018 3:31 PM
To: Scott Campbell <scott@slclexh2o.com>
Cc: Buzz Grant <bgrant@grantlawpllc.com>; budcorbus@gmail.com; sessl@elmorecounty.org; Terry M. Scanlan (tscanlan@spfwater.com) <tscanlan@spfwater.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Subject: RE: Water Permit No. 61-7731

Hello Scott;

Shelley and I have looked over your email, and we are sending you an updated amendment based on the removal of the snake pit place of use and the snake pit point of diversion. We wanted to send it out for you to look over. You can bring it to our Monday meeting, or if it meets all your needs, your client can sign it and send it back. If it meets all of your needs, then we could cancel Monday's meeting, but that is entirely up to you. Unless we hear from you, we will expect to see you Monday.

Respectfully,

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

From: Scott Campbell [<mailto:scott@slclexh2o.com>]
Sent: Tuesday, February 06, 2018 3:58 PM
To: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; Terry M. Scanlan (tscanlan@spfwater.com) <tscanlan@spfwater.com>
Cc: Buzz Grant <bgrant@grantlawpllc.com>; budcorbus@gmail.com; sessl@elmorecounty.org
Subject: RE: Water Permit No. 61-7731

Shelley, Dan, and Terry:

I met with the Board of Elmore County Commissioners on Friday, February 2, 2018. I discussed the circumstances involving the position of the Department of Water Resources, due to the Tanner Lane Ranch decision. Based upon the Department's position, the Board decided not to pursue any challenge to the proposed licensing of water permit no. 61-7731, with one exception. I do not believe that the so-called "Rattlesnake Reservoir" is a proper place of use for the license.

Because of this issue, I suggest that Terry Scanlan and I meet with Shelley and Dan again to clarify/resolve that issue and execute any required Amendment of the Permit for licensing purposes.

Please let me know when you would be available for the suggested meeting.

Thank you for your assistance.

Best regards,

Scott

Nelson, Dan

From: Nelson, Dan
Sent: Monday, February 12, 2018 2:42 PM
To: 'Terry Scanlan'
Subject: RE: Water Permit No. 61-7731
Attachments: 61-7731 WaterRightLicenseAmendment vs3.docx; Amendment Map vs3.pdf

Terry,

The water diverted during the 1999 recharge even all went into the pit in the SENE tract. There wasn't enough water to fill all of the pits in that area during the 1999 event. That is why I only included the pit in the SENE quarter.

The map included with my memo was a map of notes for possible recharge sites prior to the 1999 recharge event (please see previous page that clearly defines them as field notes). There was not enough water diverted into the northern pit (NENE and SENE) of the upper recharge site to spill over to the southern pit (NESE).

The BLM permit only allowed the use of the S1/2 of the NENE and the E1/2 of the SENE. The NESE was not included on the BLM permit. If you notice on the map, the gravel pit on the east side of the SENE was also included, but that pit was also not included in the BLM permit, so it couldn't be used. I can include the NENE, but I can't include the NESE.

A review of Scott's field examination also shows the place of use in the NENE and SENE. It also doesn't include the NESE. Therefore, we cannot include the NESE, because it wasn't even used when they had the highest amount of water available in the last 20 years. I have attached a third amendment to cover this change.

The only reason that I can make this change is that water could have been put in the NENE during the 1999 event. We cannot use this permit to authorize a use that is proposed in the future. A new permit is the proper way to get additional new uses and places of use authorized.

Please let me know if there is anything else that I can do to help.

Dan Nelson

From: Terry Scanlan [mailto:TScanlan@spfwater.com]
Sent: Monday, February 12, 2018 1:36 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; Scott Campbell <scott@slclexh2o.com>
Cc: Buzz Grant <bgrant@grantlawpllc.com>; budcorbus@gmail.com; sessl@elmorescounty.org; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Subject: RE: Water Permit No. 61-7731

Dan –

Bud Corbus pointed out that the place of use in Section 10 did not include the portion of the gravel pit located in the NENE. I subsequently looked at the attached 1999 field notes map contained with your review memo and it indicates recharge in the NENE, SENE, and NESE. We are now wondering if the place of use should include lands in the NENE, SENE, and NESE? Please review and let us know what you think. Thanks.

Terry

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Friday, February 9, 2018 10:55 AM

To: Scott Campbell <scott@slclexh2o.com>

Cc: Buzz Grant <bgrant@grantlawpllc.com>; budcorbus@gmail.com; sessl@elmorecounty.org; Terry Scanlan <tscanlan@spfwater.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>

Subject: RE: Water Permit No. 61-7731

Scott,

That sounds good. I will cancel the meeting. Thank you and Terry for your help and assistance.

Dan Nelson

From: Scott Campbell [<mailto:scott@slclexh2o.com>]

Sent: Friday, February 09, 2018 10:49 AM

To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>

Cc: Buzz Grant <bgrant@grantlawpllc.com>; budcorbus@gmail.com; sessl@elmorecounty.org; Terry M. Scanlan (tscanlan@spfwater.com) <tscanlan@spfwater.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>

Subject: RE: Water Permit No. 61-7731

Dan,

Thank you for your help on this. Based upon my conversations with Terry, I believe the Elmore County Commissioners will sign the Amendment Application today.

Consequently, please cancel the meeting we requested.

I will send you the executed Amendment Application when I return from my meeting with the Commissioners.

Best regards,

Scott

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]

Sent: Thursday, February 8, 2018 3:31 PM

To: Scott Campbell <scott@slclexh2o.com>

Cc: Buzz Grant <bgrant@grantlawpllc.com>; budcorbus@gmail.com; sessl@elmorecounty.org; Terry M. Scanlan (tscanlan@spfwater.com) <tscanlan@spfwater.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>

Subject: RE: Water Permit No. 61-7731

Hello Scott;

Shelley and I have looked over your email, and we are sending you an updated amendment based on the removal of the snake pit place of use and the snake pit point of diversion. We wanted to send it out for you to look over. You can bring it to our Monday meeting, or if it meets all your needs, your client can sign it and send it back. If it meets all of your needs, then we could cancel Monday's meeting, but that is entirely up to you. Unless we hear from you, we will expect to see you Monday.

Respectfully,

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

From: Scott Campbell [<mailto:scott@slclexh2o.com>]

Sent: Tuesday, February 06, 2018 3:58 PM

To: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; Terry M. Scanlan (tscanlan@spfwater.com) <tscanlan@spfwater.com>

Cc: Buzz Grant <bgrant@grantlawpllc.com>; budcorbus@gmail.com; sessl@elmorescounty.org

Subject: RE: Water Permit No. 61-7731

Shelley, Dan, and Terry:

I met with the Board of Elmore County Commissioners on Friday, February 2, 2018. I discussed the circumstances involving the position of the Department of Water Resources, due to the Tanner Lane Ranch decision. Based upon the Department's position, the Board decided not to pursue any challenge to the proposed licensing of water permit no. 61-7731, with one exception. I do not believe that the so-called "Rattlesnake Reservoir" is a proper place of use for the license.

Because of this issue, I suggest that Terry Scanlan and I meet with Shelley and Dan again to clarify/resolve that issue and execute any required Amendment of the Permit for licensing purposes.

Please let me know when you would be available for the suggested meeting.

Thank you for your assistance.

Best regards,

Scott