

Cefalo, James

From: Cefalo, James
Sent: Tuesday, February 28, 2017 4:30 PM
To: 'Vonde, Ann'; 'Rob Harris'; Clark, Cynthia (Bridge)
Subject: Application for Transfer 80150 (Herbst)

Ann, Cynthia and Rob:

Now that the appeals period has passed on Permit 74-16008, we should turn our attention to Application for Transfer 80150, which was filed by Mr. Herbst in July 2015. If you recall, Application 80150 proposed to change the place of use for water rights 74-740, 74-741, 74-742 and 74-7147. The application described a 186.2-acre place of use and was intended to match the place of use for Permit 74-16008. As I noted in the Preliminary Order for Permit 74-16008, the second amended application slightly changed the proposed place of use for Permit 74-16008. Application 80150 has not yet been amended to reflect that change.

The first thing that is needed for Application 80150 to move forward is an amendment of the place of use (to match Permit 74-16008). A slight amendment to the place of use would not require public notice. Once the application is amended, IWRB should determine whether it wishes to proceed with its protest. If you recall IWRB protested Application 80150 to ensure "that any authorized transfer is consistent with a final settlement of the protest on Application 74-16008." Are there conditions that should be added to the Lemhi River water rights to make them consistent with the conditions found on Permit 74-16008?

Once I receive an amended application from Herbst and confirmation that IWRB wishes to proceed with its protest, I will set up a telephone status conference to discuss settlement options.

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