

Nelson, Dan

From: Rex Barrie [waterdistrict63@qwestoffice.net]
Sent: Thursday, December 15, 2016 7:11 AM
To: Nelson, Dan
Subject: RE: Water Right Permit 63-12202

Dan,

I would like to see the permit move forward with a change in the conditions.

If you condition the permit with "a lockable controlling device and measuring device may be required in the future" then I see no problem with this.

I did meet with the homeowners and told them that would be my recommendation.

Rex R. Barrie
Boise River Watermaster

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Wednesday, December 14, 2016 8:25 AM
To: WATERDISTRICT63@QWESTOFFICE.NET
Subject: Water Right Permit 63-12202

Hello Rex,

We recently issued an order to void water right permit 63-12202 in the name of Joe Cestaro. The property is currently owned by Keith and Lisa Albi. The Albi's have petitioned the Department to reconsider the order voiding the permit. According Idaho Code, we have 21 days to respond to the petition of reconsideration. The deadline to respond to the Albi's petition is Friday, December 16, 2016.

The permit was voided because the permit holder had not complied with the water right permit condition requiring the permit holder to install a lockable controllable headgate on the point of diversion. The only way that Department can waive the condition is if you approve the waiver of the condition. The Albi's told us that they were going to contact you to request the waiver of the lockable headgate. Apparently on November 29, 2016 you contacted Shelley Keen to inform him that you intended to visit the Albi property and look at the diversion before forming an opinion.

Shelley has asked if I could contact you to find out if you have visited the site and formed an opinion on whether or not they are either in compliance with the condition, or if the condition can be waived. I tried to call you earlier this morning, but I was unable to reach you. If we don't hear from you by Friday, we will be forced to deny the petition for reconsideration, so hopefully, we wanted to contact you to see what your thoughts were before we issued the order.

Thank you.

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

MEMORANDUM

TO: Water Right Permit File 63-12202

FROM: Daniel A. Nelson

DATE: December 14, 2016

SUBJECT: Telephone Conversation with the Watermaster of Water District 63.

I spoke with Rex Berry, Watermaster of Water District 63, today concerning water right permit 63-12202. Mr. Berry had agreed to review the water system associated with the permit to see if the condition requiring a locking controlling works could be waived.

Mr. Berry stated that he did visit the site. The permit has 2 pumps that are used for a aesthetic water feature on the property. Mr. Berry stated that the water is diverted from a small ditch, diverted through the water feature, and diverted back into the ditch. He stated they are not using the system for irrigation or any other use other than the aesthetic use permit. Mr. Berry also stated that the power boxes for the two pumps were designed to allow the power boxes to be locked in the on or off position. He was concerned that one of the two power boxes was in the garage and not on the outside of the house, but he believes it will work as an all on or all off type of regulation if needed.

Mr. Berry stated that he would agree to the waiver of the lockable controlling works condition as long as the permit was conditioned to allow the Department to require a lockable controlling works condition and a measurement condition in the future if necessary.

Keen, Shelley

From: Keen, Shelley
Sent: Monday, November 28, 2016 10:34 AM
To: KSA1226vb@hotmail.com
Subject: Water Right Paperwork
Attachments: DOC.pdf

Lisa,

I've attached a scanned image of your copy of the preliminary order voiding permit no. 63-12202. The last two pages of the PDF file are a clean copy, in case you want to share it with the watermaster.

Sorry I did not give it back to you as you were leaving my office. It got under the file, and I didn't see it.

Regards,

Shelley Keen
Water Rights Section Manager
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

MEMORANDUM

DATE: November 29, 2016

TO: Water Right File 63-12202

FROM: Shelley W. Keen *SWK*

RE: Lockable device requirement

Yesterday Lisa Albi called me to say that she would be asking Water District 63 watermaster Rex Barrie to provide an opinion on whether the lockable device requirement on Permit 63-12202 should be waived by the Department. Rex called me this morning to say he intends to visit the Albi property and look at the diversion before forming an opinion.