

Cefalo, James

From: Cefalo, James
Sent: Thursday, May 16, 2013 3:58 PM
To: 'Travis Thompson'; Randy Budge; T. J. Budge
Cc: Luke, Tim; jtcattle.williams@gmail.com
Subject: RE: Permit 29-7931A - Question about licensing

Travis,

I can't really explain where the 2.31 cfs number came from. I've gone back through my notes from the pre-hearing conference looking for any reference to 2.31 cfs and couldn't find anything. I actually came to the pre-hearing conference with a draft copy of license 29-7931A in hand and the elements match those listed below. It may have just been bad math on my part. I remember explaining that the diversion rate for right 29-7931A would likely be tied together with right 29-7291. I may have tried to calculate the difference between 6.28 cfs and 4.53 cfs (right 29-7291), while talking, and simply arrived at the wrong number. If you have an argument why the rate should be 2.31 cfs, then maybe a conference is needed. Otherwise, it may just be a miscalculation on my part.

James

From: Travis Thompson [<mailto:tlt@idahowaters.com>]
Sent: Thursday, May 16, 2013 2:57 PM
To: Cefalo, James; Randy Budge; T. J. Budge
Cc: Luke, Tim; jtcattle.williams@gmail.com
Subject: RE: Permit 29-7931A - Question about licensing

James,

I think a call may still be necessary. Or can you describe the 2.31 cfs number and where that came from?

Thanks

Travis

From: Cefalo, James [<mailto:James.Cefalo@idwr.idaho.gov>]
Sent: Thursday, May 16, 2013 1:08 PM
To: Travis Thompson; Randy Budge; T. J. Budge
Cc: Luke, Tim; jtcattle.williams@gmail.com
Subject: Permit 29-7931A - Question about licensing

Travis and Randy,

I may be able to address your question about licensing through this email. We will be handling the licensing of 29-7931A out of the Idaho Falls office. I have attached a document I prepared which summarizes the important documents found in the water right backfile for 29-7931. I have also moved a copy of the 29-7931 backfile into the water right file for 29-7931A. The historical documents can now be accessed on the IDWR website under either water right number.

We are prepared to issue a license for 29-7931A with the following elements (based on the field exam conducted in Oct. 2000):

POD = NWNWSW of Sec. 36, T11S, R33E
POU = 411 acres in Sec. 35 and Sec. 36, T11S, R33E
Diversion Rate = 6.28 cfs

Cefalo, James

From: Cefalo, James
Sent: Thursday, May 16, 2013 1:08 PM
To: Travis Thompson; 'Randy Budge'; 'T. J. Budge'
Cc: Luke, Tim; Barry Williams (jtcattle.williams@gmail.com)
Subject: Permit 29-7931A - Question about licensing
Attachments: Permit 29-7931A - Timeline of Events.pdf

Travis and Randy,

I may be able to address your question about licensing through this email. We will be handling the licensing of 29-7931A out of the Idaho Falls office. I have attached a document I prepared which summarizes the important documents found in the water right backfile for 29-7931. I have also moved a copy of the 29-7931 backfile into the water right file for 29-7931A. The historical documents can now be accessed on the IDWR website under either water right number.

We are prepared to issue a license for 29-7931A with the following elements (based on the field exam conducted in Oct. 2000):

POD = NWNWSW of Sec. 36, T11S, R33E
POU = 411 acres in Sec. 35 and Sec. 36, T11S, R33E
Diversion Rate = 6.28 cfs
Diversion Volume = 1,644 af (4 af/acre)

The license will also include a limiting condition: Rights 29-7291 and 29-7931A when combined shall not exceed a total diversion rate of 6.28 cfs.

This condition is based on the way Permit 29-7931A was developed. By the time a pump was installed in the ground water well in Section 36, the well in Section 35 had already collapsed and water right 29-7291 has been diverted exclusively out of the well in Section 36 since that time. The documents in the water right file indicate that water rights 29-7291 and 29-7931A, in combination, have never diverted more than 6.28 cfs.

If you still would like to discuss this information in a conference setting, please let me know and I will have Sharla set up a telephone conference with the parties.

James Cefalo
Water Resources Program Manager
IDWR - Eastern Region
(208) 525-7161

Cefalo, James

From: Travis Thompson [tlt@idahowaters.com]
Sent: Thursday, May 16, 2013 8:33 AM
To: Cefalo, James
Cc: Randy Budge; TJ Budge (tjb@racinelaw.net); Barry Williams (jtcattle.williams@gmail.com)
Subject: Water Right 29-7931A

James,

As you are aware my client Barry Williams and the transfer applicants (Ward & Sons) and G5 Land Co., as well as other junior ground water users, have been in settlement discussions the past few months. One issue that has come up that needs clarification is the pending licensed quantity for water right 29-7931A. It was my understanding at the January pre-hearing conference, and Tim Luke confirmed to Barry last night, that the water right would be licensed for 2.31 cfs. I have talked to Randy and it appears the Wards are not aware of that quantity. Can we set up a conference call early next week with you or someone from the allocation section who is involved in licensing the water right to better understand the quantity IDWR will use? It is important for us for purposes of a response to the applicants.

Here is Randy's availability next week (T.J. may be available earlier in the week):

May 22: 11, 1, 3:30

May 23: 3pm on

I am open all day Monday, Tue. morning, Wed. afternoon, and Thur. morning. I would prefer sometime Monday or Wed. afternoon.

Thanks,

Travis