

Saxton, Craig

From: Scott King [SKing@spfwater.com]
Sent: Monday, May 17, 2010 4:50 PM
To: Bruce M. Smith; Kellie McCombs; Brent Arte
Cc: Saxton, Craig
Subject: FW: City of Eagle: Permit 63-12448

Bruce, Kellie & Brent:

Please see this message from Craig Saxton regarding IDWR's licensing of permit 63-12448 for which I conducted a beneficial use field exam during September 2009 (Brookwood Well). Craig mentioned the file includes a letter from Tammy Zokan dated January 16, 2006 which references compensation plans for water rights 63-15820 and 63-5226, but not for 63-5229. Condition 2, listed below by Craig, addresses 63-5229. If I understand correctly, Craig has documentation of the pump test for 63-5229 but does not have documentation regarding the compensation provided to Chase regarding this right. I believe the same compensation provided for 63-15820 & 63-5226, the backup supply, also applies to 63-5229. However, I don't have the background knowledge to answer this positively.

Craig's direct number is 287-4916. Could you please contact him regarding his question?

Thank You and Best Regards,
Scott

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From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Monday, May 17, 2010 4:23 PM
To: Scott King
Subject: City of Eagle: Permit 63-12448

Hey Scott,

Sorry to drop this on you out of nowhere, but I thought I would see if you were still "retained" by the City of Eagle. If not, just let me know and I will track down someone over there.

On October 1, 2009, we received a proof of beneficial use along with a completed licensing field exam for City of Eagle permit 63-12448. We are getting close to issuing it, but in a meeting with Shelley and Gary, ran into what I think to be the last hurdle.

The final order issued September 22, 2005 added specific conditions to permit 63-12448. Condition 2 of the final order reads:

Before construction of Eagle well no. 3 in the SWSW, Section 4, T4N, R1E, is completed and ground water is diverted from Eagle well no. 3, the Chase Estate may conduct a pump test using the small irrigation well. The Department must pre-approve the test, and the city of Eagle must be allowed to participate in the test. The test

must use presently in-place pumping equipment and be conducted for a sufficient duration to establish the current sustainable rate of diversion. Any sustainable rate of diversion within the diversion rate limitation of claim no. 63-05229 (0.46 cfs) will be recognized as diversion capacity that will no longer be available because of declines caused by diverting ground water from Eagle well no. 3 in the SWSW, Section 4, T4N, R1E. **The City of Eagle must compensate the chase estate for any loss of proven, sustainable diversion rate from the small irrigation well. Two acceptable alternatives for compensation are: (a) constructing a new well for the chase Estate, installing the necessary pumping equipment, and paying for additional pumping costs; or (b) providing direct back-up service from the City of Eagle's municipal system without additional cost to the Chase Estate. If one of these two alternatives is offered to the Chase Estate by the City of Eagle, the Chase Estate must except the alternative offered. If the Chase Estate does not accept whichever of these two alternatives is offered by the City of Eagle, the Chase Estate is not entitled to protection of its rights. Alternatively, the City of Eagle and the Chase Estate may negotiate another mutually acceptable alternative for compensation.**

The question is related to how this condition has been met. I see in the file that the pump test was conducted. What I want to know is what method has the City of Eagle chosen to use to compensate the Chase Estate's if pumping well no 3 is found to cause injury. Or if one of the two options was not chosen by the City of Eagle, what mutually acceptable alternative for compensation was reached.

Again, I know it has been a while since you have looked at this and it might be long gone from your memory. If you do not have this information just let me know and I will contact the city.

Thanks Scott,
Craig