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RECEIVED

JAN 13 2015

Department of Water Resources
Eastern Region

January 12, 2015

James Cefalo
Eastern Region Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Transfer No. 78862

Dear James,

Idaho Ground Water Appropriators, Inc. ("IGWA") has asked me to submit this letter of comment concerning transfer no. 78862.

The transfer application identifies its purpose as "add diversion points." However, it appears the applicant technically seeks to divert water from a different source. Whereas water right no. 29-4391 has "spring" as its source, I understand the transfer seeks to add a point of diversion on Cedar Lake Creek. My understanding is Cedar Lake Creek is tributary to the Portneuf River, whereas the spring is not.

As you know, IGWA's members are periodically subject to orders requiring its members to either shut off their groundwater wells or provide mitigation water to the Surface Water Coalition. Accordingly, IGWA is concerned with actions that may reduce the supply of water available to the SWC. IGWA wishes to make a record of its concern that transfer no. 78862 could potentially impact the SWC water supply.

If Cedar Lake Creek is indeed tributary to the Portneuf River, and the spring is not, it does not seem the transfer can be approved without injuring downstream water rights. Should the transfer be approved, it is important that measuring devices be installed, maintained, and regularly monitored on both the spring and Cedar Lake Creek to ensure the appropriator does not divert more water from the creek than could have been diverted from the spring. It is also essential that the diversion be administered in priority through the duration of the summer.

Thank you for your consideration of these matters.

Sincerely,

T. J. BUDGE

C: Tom Holmes
Terry Walsh
Shawn Anderson
Brad Christensen
Koni Kendell