

Saxton, Craig

From: Kevin Lakey [watermanager@cableone.net]
Sent: Thursday, April 03, 2014 7:59 AM
To: Saxton, Craig
Subject: RE: Dry Lot LLC Recharge Project - Compliance with conditions on rights 37-22313, 37-22318, 37-22323 (TR 74449) -

Craig,
Brockway's data and request are fine with me.

Kevin Lakey
Water district 37

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Wednesday, April 02, 2014 1:02 PM
To: WATERMANAGER@CABLEONE.NET
Subject: Dry Lot LLC Recharge Project - Compliance with conditions on rights 37-22313, 37-22318, 37-22323 (TR 74449) -

Good Afternoon Kevin,

An issue came up and I was hoping to get your thoughts on a potential solution. The short story is Dry Lot LLC (Brockway), is requesting a waiver from installing a data logger to record daily recharge volumes required as mitigation or permit 37-22252.

Background:

Transfer 74449 (attached) was approved on August 10, 2010. The purpose of the transfer was to change the purpose of use for rights 37-22313, 37-22318, and 37-22323 to **Ground Water Recharge**, in order to provide mitigation for permit 37-22252.

In order to ensure that timing of the recharge would actually mitigate for the withdrawal under permit 37-22252, specific conditions were added to rights 37-22313, 37-22318, and 37-22323, in an attempt to regulate the amount of water being recharged during specific time periods. In order to monitor this, Transfer 74449 added 2 conditions that would allow for daily monitoring of recharge quantities:

Condition #4:

Prior to the diversion and use of water under this right pursuant to Transfer approval 74449, the right holder shall install and maintain the following measuring devices, in accordance with Department specifications (unless such measuring devices have already been installed and approved by the Department or State Water District No. 37):

- a) A measuring device(s) and lockable controlling works at the point(s) of diversion from the Big Wood River,
- b) A measuring device(s) and lockable controlling works at the point(s) water is conveyed from the Hiawatha Canal, and
- c) A measuring device(s), **including datalogger(s)**, at the point(s) of recharge to determine the daily volume of water recharged.

Condition #5:

The right holder shall report the **daily volume** of water recharged to the Department by December 31 each year.

Problem:

The problem is that Dry Lot LLC (Brockway Engineering) didn't install data loggers and therefore haven't been able to report daily volumes. On March 14, 2014, Dr. Brockway requested a waiver from the requirement to record and report daily recharge volumes. Dr. Brockway submitted a report with monthly readings. He then used known monthly readings to back calculate the daily recharge volumes.

Possible Solution:

I spoke with Shelley Keen and he proposed we respond to Brockway by informing Dr. Brockway that the supplied method for calculating daily recharge volumes was sufficient until informed otherwise. IDWR would not waive or change the conditions on the water rights requiring a data logger and daily measurements so it could retaining the option to enforce that requirement in the future. But, for the time being, we would inform Dr. Brockway that the data he submitted on behalf of Dry Lot LLC. was sufficient.

However, before responding to Dr. Brockway, we wanted to speak with you and see if you have run into any issues with the Dry Lot Recharge site, and ask if you had any concern with accepting the yearly reports with known monthly recharge volume readings and back calculated daily volume readings.

I was going to call you to talk this over with you, but I thought it might be better to send you the information in writing so you could look it over and then we could talk it through if you like.

I appreciate your thoughts/comments on this. Please feel free to give me a call at 208.278.4916.

Thanks,

Craig L. Saxton
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208.287.4916