



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 11, 2014

BROCKWAY ENGINEERING PLLC  
C/O CHARLES E BROCKWAY  
2016 N WASHINGTON ST STE 4  
TWIN FALLS, ID 83301

Re: Transfer 74449: Request for Waiver of Annual Report of Daily Recharge Volume

Dear Dr. Brockway:

I received your letter of March 14, 2014, requesting a waiver of the annual reporting of daily volume of water recharged as described in condition no. 5 of water rights 37-22313, 37-22318, and 37-22323.

Documentation in the files pertaining to transfer 74449 show that the condition requiring installation of a data logger (condition 4c) and daily recording of daily recharge volumes (condition 5) are required to ensure that the recharge required to mitigate for consumptive losses occurring under permit 37-22252, occurs throughout the irrigation season. The conditions imposed by transfer 74449 are to ensure that the losses are mitigated for in both timing and volume. The Department does not find that waiving the condition requiring installation of a data logger and daily recording of recharge volumes as an option.

However, the Department did contact Kevin Lakey, watermaster of water district 37, on April 2, 2014, to discuss your request for waiver. With agreement from Mr. Lakey, the Department feels that, until notified otherwise, the method of taking periodic recordings of recharge volumes and then interpolating the daily recharge volumes as described in your March 14, 2014, letter, is sufficient to meet the intent of the conditions imposed by transfer 74449 on water rights 37-22313, 37-22318, and 37-22323.

The Department retains the right to require full compliance with condition 4c and condition 5 at a later date if it is determined that interpolating daily recharge volumes is not sufficient to meet the intent of the conditions. Therefore, the conditions requiring installation of a data logger and daily recording of recharge volume on water rights 37-22313, 37-22318, and 37-22323 will not be removed or modified.

At this time, the Department considers condition 5 of permits 37-22313, 37-22318, and 37-22323, requiring submittal of an annual report of the daily volume of water recharged for 2013 met.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton", is written over a horizontal line.

Craig L. Saxton

Water Rights Supervisor

[craig.saxton@idwr.idaho.gov](mailto:craig.saxton@idwr.idaho.gov)

Cc: DRY LOT LLC  
TRAVIS L THOMPSON