

RECEIVED

NOV 05 2013

November 5, 2013

Department of Water Resources
Eastern Region

JCH Engineering & Consulting, PLLC

6755 N. Albert Lane
Idaho Falls, ID 83401
(208) 308-2109
jasoncivil@alumni.nd.edu

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

**Re: (5) Idaho Water Company Applications for Transfer 35-7192A, 35-9069
Combined for ESPA Mitigation Purposes**

Dear Reviewing Agent:

Please find attached five applications for water right transfer prepared on behalf of Idaho Water Company. The transfers seek to change the place of use for fractions of existing water rights 35-7192A and 35-9069. It is my understanding that the land associated with these water rights was fully irrigated in 2010 which followed an approved application of time to avoid forfeiture related to non-use that occurred between 2002 and 2009 so forfeiture should not be an issue.

I have attached a contract between the existing water right owner (Foster Land & Cattle) and Idaho Water Company showing that Idaho Water Company has the authority to make the changes to the original water rights and while the contract indicates as much as 174.7 acres can be changed, only 67.3 total acres are to be transferred from the property and all remaining water rights stay in the name of Foster Land & Cattle.

The transfers however, should be processed in the name of Idaho Water Company, LLC until final approval at which time ownership change applications will be filed as necessary. Attached to each transfer are contracts authorizing Idaho Water Company to transfer the water rights to the City of Ammon, City of Chubbuck, and I believe there is already an agreement on file related to Idaho Water Co transfer of various water rights to and from the Flying A permissible place of use associated with existing water rights 21-13121 and 21-13149 which rights are owned by Idaho Water Company and currently leased to the Water Supply Bank.

The combination of these transfers provides adequate ESPA mitigation through the combination of off-setting impacts. A combined ESPA transfer spreadsheet analysis is attached showing modeled Snake River reach impacts meet approvable limits when compared with the continuing use of the water rights at their existing point of diversion. When viewed in combination, and with the limited reduction during the first year after transfer associated with the Jefferson Lake transfer, no permanent ESPA mitigation

appears to be required and the transfers should be approvable. I have modeled the transfers to allow approval as early as the summer trimester of 2014.

If you have any questions regarding any of the transfers, or need any additional information to assist in processing please don't hesitate to contact me. If for some reason it is necessary to return the transfers please return all original documents to me for adjustment and subsequent re-submittal.

Thanks,



Jason C. Helms, P.E.

Attachments: ESPA Impact Analysis Report w/ Appendices
 Agreement for Purchase & Sale (Foster Land & Cattle - Idaho Water Co.)
 Application for Water Right Transfer #1: 0.31 cfs (City of Ammon Ck# 34287 \$500)
 Agreement for Purchase & Sale (Idaho Water Co. - City of Ammon)
 Application for Water Right Transfer #2: 0.23 cfs (City of Chubbuck Ck# 19689 \$500)
 Agreement for Purchase & Sale (Idaho Water Co. - City of Chubbuck)
 Application for Water Right Transfer #3: 0.02 cfs (Idaho Water Co. Ck# 1555 \$200)
 Application for Water Right Transfer #4: 0.08 cfs (Idaho Water Co. Ck# 1523 \$200)
 Agreement for Purchase & Sale (Idaho Water Co. - Wickel Land, LLP)
 Application for Water Right Transfer #5: 0.04 cfs (Idaho Water Co. Ck# 1554 \$200)
 Agreement for Purchase & Sale (Idaho Water Co. - Jefferson County)

cc: Del Kohtz (Idaho Water Co.)
 Rob Harris (Attorney for Foster Land & Cattle)