



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

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Governor

September 10, 2013

T.J. BUDGE
RACINE OLSON NYE BUDGE BAILEY
201 E CENTER ST
PO BOX 1391
POCATELLO ID 83204

RE: 2013 Kevin Burgemeister Water Supply Bank Rental Application

Dear T.J.,

On August 23, 2013, I sent an email indicating an ESPA model analysis is needed for Mr. Burgemeister's water supply bank rental application, as well as instructions for how to use the model and a list of consultants who could assist in preparing the modeling. To date I have not received anything. Please submit the ESPA modeling within fourteen (14) days from the date of this letter, or the application will be returned, unprocessed. If you have any questions, please don't hesitate to contact me at (208) 287-4949 or nick.vandyke@idwr.idaho.gov

Sincerely,

A handwritten signature in cursive script that reads "Nicholas Van Dyke". The signature is written in dark ink and is positioned above the printed name and title.

Nicholas Van Dyke
Sr. Water Resource Agent

Van Dyke, Nick

From: Van Dyke, Nick
Sent: Friday, August 23, 2013 3:35 PM
To: 'T. J. Budge'
Subject: RE: Kevin Burgemeister WSB rental app 40 acres
Attachments: consultants.doc

Hi T.J.,

Thank you for getting back to me. An ESPA analysis will indeed be needed. Below is where you can find the spreadsheet and a user's manual. I've also included a list of consultants who should be familiar with modeling if you would prefer that route. The modeling doesn't have to be prepared/submitted by an engineer.

<http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>

Nick

From: T. J. Budge [<mailto:tjb@racinelaw.net>]
Sent: Wednesday, August 21, 2013 11:46 AM
To: Van Dyke, Nick
Subject: RE: Kevin Burgemeister WSB rental app 40 acres

Nick,

Thanks for your follow-up letter on this. An enlargement right will not work for this one. The Simplot rights (35-14258, 35-14260, 35-14262) appear to be the best fit. These rights overlap, and Burgemeister would need a portion of all three to obtain the full 1" per acre.

Is the ESPA analysis something we need to do? If so, has the Department come up with a way for non-engineers to do that, or do we need to hire someone? If the latter, do you have a recommendation?

Thanks,

T.J. Budge
Attorney



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From: Van Dyke, Nick [<mailto:Nick.VanDyke@idwr.idaho.gov>]
Sent: Thursday, July 11, 2013 11:02 AM
To: T. J. Budge
Subject: Kevin Burgemeister WSB rental app 40 acres

T.J.,

I've looked over the application and find it should be approvable once appropriate water is found to satisfy the rental. Attached is a list, current as of 7/11/2013, of what may be available in the bank to rent out (highlighted). Note some of the rights are enlargement rights with zero rate to offer – they may or may not work in a proposal. Please submit a proposal on what rights may work for your client. An ESPA analysis will likely need to be done.

Nicholas Van Dyke

Sr. Water Resource Agent

Idaho Department of Water Resources

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