



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 20 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 20th, 2013

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301
VIA: Hand Delivery.

RE: Sweet Potato Ranch, LLC Approved IDWR Water Right Transfers 78432 and 78433: Petition for Reconsideration.

Dear Allen,

This letter serves as a petition for reconsideration for recently approved IDWR water right transfer applications 78432 and 78433 in the name of Sweet Potato Ranch LLC. We are requesting the following changes to the approved water right transfer applications conditions;

1. Five years development time under the approved water right transfers. In light of recent probable damage to this property's irrigation points of diversion and infrastructure, diversions and place of use by the Beaver Creek fire, we request five years to implement changes approved under the approved transfer applications.
2. Diversion under all water rights included in these applications should not be limited to 0.02 cfs per acre. The intent these transfer applications was to create a permissible place of use on ground that has historically been irrigated with flow rates greater than 0.02 cfs per acre. Flow rates greater than 0.02 cfs per acre associated with the water rights involved in transfer 78432 were recently partially decreed in the SRBA. Individual water right discharge rates and combined discharge rate limits (where applicable) should be consistent with the SRBA partial decrees. Therefore, we request removal of the discharge limitation condition from all individual water rights.
3. We request removal any mention of further review of validity of an individual water right in the ongoing SRBA adjudication. All water rights included in these two applications have been adjudicated.
 - a. Inclusion of the general SRBA general provisions condition is acceptable.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Transfer 78432 (Surface Water Transfer):

37-548: Conditions 7 (remove) and 11 (change to 5 years) (page 4).

37-12396: Condition 8 (change to 5 years) and 10 (remove) (page 6).

37-8670: Condition 4 (change to 5 years) (page 8).

37-549: Conditions 7 (remove) and 11 (change to 5 years) (page 10).

37-1222: Conditions 7 (remove) and 11 (change to 5 years) (page 12).
37-2142: Conditions 7 (remove) and 11 (change to 5 years) (page 14).
37-4138: Conditions 6 (remove) and 10 (change to 5 years) (page 16).

Transfer 78433 (Ground Water Transfer):

37-22250: Conditions 7 (remove), and 14 (change to 5 years) (page 3).
37-4440: Conditions 8 (remove), and 12 (change to 5 years) (page 5).
37-22251: Conditions 5 (remove), and 12 (change to 5 years) (page 8).

Please review these comments and reconsider the changes recommended or removal of the conditions listed above. Also, please copy our office on all correspondence regarding this petition for reconsideration. Don't hesitate to give me a call if you would like to discuss the points outlined in this petition. Thanks for your time and assistance on this matter.

Regards,

A handwritten signature in black ink, appearing to read 'Zach Latham', with a long horizontal flourish extending to the right.

Zach Latham, M.S., Hydrologist.

Cc: Sweet Potato Ranch, LLC c/o: Mr. Joe Clark
Jim Speck