

Skaggs, Pam

From: Skaggs, Pam
Sent: Monday, June 24, 2013 7:33 AM
To: 'James White'
Cc: Steve Wilson; Jim Super; Sarah Gardner
Subject: RE: Conditional Consent letter Re Boyer Casson and Armstrong

Jim,

You are correct in your understanding & the draft consent letter appears acceptable for the Department to move forward with these applications when the signed consent letter is received. Thank you for your continued patience in working out the details to address both the Irrigation District and Department concerns. With an acceptable template in place, future applications should move forward more quickly. Only the percentage of conveyance loss will need to be determined for each right holder by their location down the canal. We will advise folks to request the consent prior to submitting the application, but will probably also have those that submit the application first & then we will ask them to pursue the consent before we proceed.

I appreciate your timely response to complete these pending applications.

Pam

Pam Skaggs
WR Supervisor
287-4951

From: James White [mailto:jdwhite@q.com]
Sent: Sunday, June 23, 2013 2:37 PM
To: Skaggs, Pam
Cc: Steve Wilson; Jim Super; Sarah Gardner
Subject: RE: Conditional Consent letter Re Boyer Casson and Armstrong

Pam,

Thank you again for your insight and input.

I have modified the "consent letter" again, in accordance with your email below. I attach the modified version to this email. This version (dated June 23) is still not yet signed by me. As you can see from the "cc" line, I am sending it to all three directors as well as directly to you to make sure we and IDWR are all on the same page as far as the language is concerned.

I understood the first paragraph you suggested should go into the consent letter (which is what I have done), but the second paragraph you spelled out will go into a document that the IDWR creates when it approves the lease on the condition spelled out.

If you think I misunderstood your email in any way, please let me know but it seems to me that what is needed is now in this version.

I expect to get Director clearance today or Monday, as soon as they check their emails.

Regards and many thanks,

Jim

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Friday, June 21, 2013 10:49 AM

To: James White

Subject: RE: Conditional Consent letter Re Boyer Casson and Armstrong

Jim,

I am sorry that I was out yesterday and missed your first messages.

I suggest the following additions to your consent letter.

Identify the applications as "Water Supply Bank Lease applications" in the reference/subject lines.

The specific surface water right numbers referenced for each owner.

Armstrong: Rights 37-21518, 37-21529, 37-21540, 37-21551 & 37-21562

Boyer: Rights 37-21855, 37-21872, 37-21889, 37-21906 & 37-21923

Casson: Rights 37-21677, 37-21686, 37-21695, 37-21704 & 37-21713.

While we don't disagree with the intent of your suggested condition, it doesn't address the specific needs for use by the Department for guidance to the watermaster, and we cannot accept it as a condition of approval. The conveyance diversion will continue in the canal, but when rights are curtailed the watermaster must have specific amounts associated with each right in order to accomplish his work. We have modified our originally proposed condition to meet this need. You can either simply identify the percentage of the right that should be dedicated to conveyance losses in your consent, or include this condition with the percentage identified and we will replace it with the calculated diversion rate for each right in the approval documents.

A portion of this right provides conveyance for other right holders in the shared delivery of water through the Irrigation District #45 canal. To prevent injury to other water right holders, the watermaster shall deliver 20% of authorized diversion rate of this right into the District #45 Canal whether it is rented or not.

The lease approval condition would be modified to identify the specific rate of diversion or cfs amount identified for conveyance losses instead of "20% of authorized diversion rate of this right". For example under Right 37-21518 for the Armstrongs, 20% of 0.08 cfs = 0.016 cfs. The lease condition would be as follows:

A portion of this right provides conveyance for other right holders in the shared delivery of water through the Irrigation District #45 canal. To prevent injury to other water right holders, the watermaster shall deliver 0.016 cfs of this right into the District #45 Canal whether it is rented or not.

I hope this will meet your need to provide specific direction in your consent and our need to provide the same to the watermaster.

Thanks for your help in completing these final details.

Pam

Pam Skaggs
WR Supervisor
287-4951

From: James White [<mailto:jdwhite@q.com>]

Sent: Wednesday, June 19, 2013 10:00 PM

To: Skaggs, Pam

Cc: Steve Wilson; Jim Super; Sarah Gardner

Subject: Conditional Consent letter Re Boyer Casson and Armstrong

Pam,



See attached draft letter.

I am having difficulty determining how you would want the file reference numbers identified. Please advise how you wish to have the reference lines read.

Also, please let me know if you have any problems with the language.

As to the Armstrong application, I spoke with Jim Speck, the attorney for the Armstrongs on the application yesterday on this subject and explained the Boards' position. He indicated he did not have a problem with the Board's approach.

Regards,

Jim



WOOD RIVER VALLEY IRRIGATION DISTRICT # 45

P.O. BOX 2223 • HAILEY, IDAHO 83333

June 23, 2013
Via e-mail to pam.skaggs@idwr.idaho.gov

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
Water Supply Bank
P.O. Box 83720
322 East Front Street
Boise, Idaho 83720-0098

Re: Conditional Consents to Pending Applications

IDWR File Reference Numbers:

Boyers-- Rights 37-21855, 37-21872, 37-21889, 37-21906 & 37-21923

Cassons – Rights 37-21677, 37-21686, 37-21695, 37-21704 & 37-21713

Armstrongs – Rights 37-21518, 37-21529, 37-21540, 37-21551 & 37-21562

Dear Ms. Skaggs,

As the Secretary / Treasurer of the Wood River Irrigation District #45, I am pleased to advise you that the Board of Directors has authorized me to inform you that the District is willing to provide its conditional consent to the above pending applications, on the *following condition*:

A portion of this right provides conveyance for other right holders in the shared delivery of water through the Irrigation District #45 canal. To prevent injury to other water right holders, the watermaster shall deliver 20% of authorized diversion rate of this right into the District #45 Canal whether it is rented or not.

By way of explanation as to why each property is to be subjected to the same 20% conveyance loss condition, (as opposed to different percentages) all of these applicants are in Bellevue Farms sub-division and each of these three applicants are within a few hundred feet of each other. Moreover, the water for each of these applicants flows in a ditch very near to each property and each would draw their water at essentially the same point from the ditch. Accordingly, the Board of Directors of the District determined that there is no significant differential *vis a vis* the applicable percentage as it affects these three properties.

I trust you will find this condition and explanation acceptable. If you have any questions, please contact me at your earliest opportunity.

Thank you for your courtesy and cooperation throughout this process. We are pleased to have been able work with you on this matter in such a way as to provide for the benefit of all.

Very truly yours,

James D. White,
Secretary/ Treasurer/
District # 45

c. Directors Wilson, Super and Gardner