

## Merritt, Allen

---

**From:** Kevin Lakey [watermanager@cableone.net]  
**Sent:** Monday, April 08, 2013 12:06 PM  
**To:** Merritt, Allen; 'Chuck Brockway Sr.'  
**Subject:** RE: Waiver of Flow Measurement Device-Permmmit 37-22354 Damasco Trust  
**Attachments:** 37-22354 waiver of measuring device.pdf

Allen and Chuck,

I'm not trying to pass the buck on this, but I just don't see how I can give comment without the Hiawatha Canal Company involved. I have attached my comment as a pdf.

Kevin Lakey

---

**From:** Merritt, Allen [mailto:Allen.Merritt@idwr.idaho.gov]  
**Sent:** Thursday, April 04, 2013 7:45 AM  
**To:** Charles E. Brockway; Kevin Lakey; Julia Damasco  
**Cc:** Keen, Shelley  
**Subject:** RE: Waiver of Flow Measurement Device-Permmmit 37-22354 Damasco Trust

I've not received comments from the watermaster yet. Will hold until comments are provided

---

**From:** Charles E. Brockway [mailto:charles.e.brockway@brockwayeng.com]  
**Sent:** Monday, March 25, 2013 11:08 AM  
**To:** Merritt, Allen; Kevin Lakey; 'Julia Damasco'  
**Subject:** Waiver of Flow Measurement Device-Permmmit 37-22354 Damasco Trust

Allen: Attached is a letter requesting a waiver for the flow measurement device at the outlet of the Damasco pond required under Condition 9 of permit 37-22354.

By copy of this letter, I am asking Kevin Lakey, Watermaster District 37 to provide his recommendation relative to the request.

Thanks in advance for your assistance. The Damascos are anxious to get this decided.

Chuck

**Charles E. Brockway, Ph.D., P.E.**

Brockway Engineering, PLLC  
2016 Washington St N, Suite 4  
Twin Falls, ID 83301  
(208) 736-8543

*All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

***WATER DISTRICT NO. 37 & 37M***

107 WEST 1<sup>ST</sup>

SHOSHONE, IDAHO 83352

(208) 886-2451



*Kevin Lakey*  
Watermaster

April 5, 2013

Re: Waiver of measuring device for 37-22354

In researching the first waiver of a measuring device requirement at the mouth of Indian Creek for this right, I copied Dave Cropper, manager of the Hiawatha Canal Company when replying to an email from Brockway Engineering. I was asking for his input, since the Hiawatha Canal Company could suffer injury if Indian Creek flows were insufficient and this right was delivered with Big Wood Water. I have no copy of such input in my records. A waiver of a measuring device at the mouth of Indian Creek and a waiver at the outlet of the pond would leave no way for the water right owner to prove non-injury if the Hiawatha Canal Company made that claim. To me, the proof of injury is between the Hiawatha Canal Company and the Water right owner. As Watermaster on the Big Wood River, I measure the Big Wood Rights involved (37-297D and 37-20359) when they leave the river, so I believe water right holders on the Big Wood are protected from injury. The management of those rights after they leave the river is under the jurisdiction of the Hiawatha Canal Company. For these reasons I defer judgment on this matter until the water right holder has a reply from the Hiawatha Canal Company.

Respectfully,

*Kevin Lakey*

Kevin Lakey