



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 15, 2010

CHARLES G BROCKWAY
BROCKWAY ENGINEERING PLLC
2016 NORTH WASHINGTON ST STE 4
TWIN FALLS IDAHO 83301

RE: Additional Information Request Permit No 01-10542

Dear Mr. Brockway:

This letter is to confirm that the IDWR has accepted the field exam report which you submitted on behalf of BRP Inc for the permit listed above. I understand that BRP Inc hired Brockway Engineering PLLC to confirm Proof of Beneficial Use for this right. I have been assigned to review your field exam report and determine if clarification or additional information is needed in order to issue a water right license for the water use you verified. Although I found that your report was complete, there is one area where more information is needed before we can make further progress in processing this right.

The culvert diversion for this permit is located downstream of the City of Idaho Falls' Lower Power plant and upstream of the City of Idaho Falls' Gem State Power Plant. Based on a recent inquiry to Mark Reed, (Generation and Operations Superintendent, Idaho Falls Power) I believe that the two power plants are operated such that the elevation in that reach of the river is kept near 4655.7 ft and varies only +/- 0.2 ft. year-round. My rough calculation of the volume for this right is based on that narrow operation range and is significantly different than the volume that you have submitted in your field exam report.

If Idaho Falls Power operations are truly confined to the range that was provided to me, then the high water mark you identified would be acceptable only for determining the diversion culvert capacity. It would not be representative of typical flows through Gem Lake Harbor and therefore not acceptable for use in fixing an annual volume of water beneficially used through this permit. I believe that typical flows are within the range of 9.0 – 14.0 cfs.; the range comparable to the operation target for headwater and tailwater provided by Idaho Falls Power operations supervisor.

A preliminary stage-discharge relationship for the diversion culvert is included in your

field report. In the narrative of your field exam report, this morning, you offered to direct Brockway Engineering's expertise toward collecting additional flow measurements. I recognize that at least one additional measurement would be necessary to either confirm or refute the fit of your preliminary rating curve. However, without routinely collected stage data, even a refined rating curve and table will not provide the information needed to determine a volume for a use that occurred in the past. The development period for this permit has ended.

Administrative Rules state

IDAPA 37.03.02 Beneficial Use Examination Rules 035.02.c.

"If the director determines that a field report is acceptable but that additional information is needed to clarify the field report, he will notify the certified water right examiner in writing of the information required. If the additional information is not submitted within thirty (30) days or within the time specified in the written notice, the priority date of the permit will be advanced one (1) day for each day the information submittal is late. Failure to submit the required information within one (1) year of the date of the department's request is cause for the director to take action to cancel the permit. "

Therefore, please clarify

- 1) how a stage-discharge relationship will be used to revise the volume calculation for this permit and
- 2) how Idaho Falls Power operations data is not applicable to the Gem Lake Harbor point-of-diversion culvert.

Your response including the requested information must be received with the next (30) thirty days, or IDWR will advance the priority date or take action to cancel the permit in accordance with the Beneficial Use Examination Rules.

If you have any questions, please contact me as soon as possible at (208) 287-4946.

Sincerely,



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