

Keen, Shelley

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Thursday, March 28, 2013 3:46 PM
To: Keen, Shelley
Subject: RE: 01-10542 / BRP, Inc.

Shelley,

That language sounds reasonable to me.

Thanks again,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

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From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Thursday, March 28, 2013 10:21 AM
To: Charles G. Brockway
Cc: Edl, Michele
Subject: FW: 01-10542 / BRP, Inc.

Chuck,

We are trying to finish off the license for 01-10542, BRP Inc., this week. One issue that delayed us was how to address the influence that operation of the upstream and downstream hydropower facilities has on the flow of water through the harbor. We've decided to include the following condition, or something like it:

The diversion of water into Gem Lake Harbor may be influenced by the operation of hydropower facilities located upstream and downstream of the point of diversion for this right. The diversion rate authorized by this right is not protected against river level fluctuations caused by power plant operations. Similarly, diversions of water through Gem Lake Harbor in excess of this right are not a violation of this right if they are caused by operation of the hydropower facilities.

Consistent with the last sentence of the draft condition, we don't think it will be useful or necessary to file for another permit. We recognize that there will be some fluctuation caused by power plant operations and river stage, but it doesn't seem like additional rate would amount to additional beneficial use.

Call or email if you want to discuss it a bit more.

Shelley

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098