

Merritt, Allen

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Friday, June 15, 2012 3:00 PM
To: Merritt, Allen
Cc: Skaggs, Pam
Subject: RE: Petition for Reconsideration: Transfer 72373

Allen,
I am emailing to confirm the amended condition language as you have it written below. Thanks for your assistance-

Zach Latham

Hydrologist
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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.

From: Merritt, Allen [<mailto:Allen.Merritt@idwr.idaho.gov>]
Sent: Friday, June 15, 2012 10:44 AM
To: zach.latham@brockwayeng.com
Cc: Skaggs, Pam
Subject: FW: Petition for Reconsideration: Transfer 72373

Zack,

As we discussed by phone, we are open to modify the condition to:

This right when combined with all other rights shall provide no more than 0.02 cfs per acre, nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above when delivered via pump and pressurized irrigation system.

Please confirm your agreement and we will issue an amended approval.

Thanks,

Allen

From: Skaggs, Pam
Sent: Friday, June 15, 2012 10:01 AM
To: Merritt, Allen
Subject: RE: Petition for Reconsideration: Transfer 72373

Hi Allen,

This is a standard irrigation overlap condition used on all irrigation rights when reviewed through a new administrative process. It sets the identified maximum standard for the specific area in combination with other water such as canal shares etc that we don't have control over.

The rights provide 0.02 cfs/acre & 4.0 af/acre individually, so it's not a limit for them in individually. Since they have separate POUs the rights shouldn't be applied in combination anyway. Not quite sure why these two irrigation again rights from the same root right in a common delivery system are not in a common PPU? No distribution system

description is shown on the map as required. The consultants know how to provide this information that could be useful now & in the future (see backfile 37-865 & map in previous transfer). I would be interested to see how they manage to apply 37-865A to just the edge of the pivot in SENE & the rest is under 37-865B.

"Not on the decree" doesn't even apply to Right 37-865A that didn't have irrigation as an authorized use.

They are delivered with American Falls Reservoir & Big Wood Canal Co water per conditions. Is that because these 1905 rights are cut early in the season & they change to canal water or are they used in some combination for delivery?

Could more than the standard limits be necessary at the field headgate when not applied by sprinkler system? We have used the modified "sprinkler" condition when right holders have concerns about the limit if they return to application by gravity flow through ditches.

So, I would probably modify the condition as a middle ground.

Sample condition from previous approvals:

This right when combined with all other rights shall provide no more than 0.02 cfs per acre when delivered via pump and pressurized irrigation system, nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Pam

From: Merritt, Allen
Sent: Friday, June 15, 2012 7:52 AM
To: Peppersack, Jeff; Skaggs, Pam; Keen, Shelley
Subject: FW: Petition for Reconsideration: Transfer 72373

Do we want to reverse ourselves on this??

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Thursday, June 14, 2012 4:35 PM
To: Merritt, Allen
Subject: Petition for Reconsideration: Transfer 72373

Allen-

This email serves as a formal petition for reconsideration for approved IDWR transfer 72373 with regards condition # 12 on 37-865A and condition #11 on 37-865B. The condition was not on either water right's partial decree and was not limited in diversion volume or rate with other outside water rights before transfer approval. We request IDWR change the verbiage to limit the diversion volume and or limit to times when sprinkler irrigation is the only method of application. I gave you a call to discuss but you were out of the office, please give me a call to discuss, thanks.

Zach Latham

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