

Rushing, Emalee

From: Peppersack, Jeff
Sent: Wednesday, May 23, 2012 7:39 AM
To: Rushing, Emalee
Subject: FW: 65-3111X, 77121, 65-23451, 65-23481

Emalee,
Please put a copy of this message in all appropriate files.

Thanks,
Jeff

From: Peppersack, Jeff
Sent: Wednesday, May 23, 2012 7:39 AM
To: 'schess Chess'
Cc: Luke, Tim; Westra, John; 'Bruce M. Smith'
Subject: RE: 65-3111X, 77121, 65-23451, 65-23481

Ms Chess:

I'll be out of town for a couple of days, so I'll try to give you a response now before I go.

- 1) Is irrigation taking place? I understand Bruce Smith is in the process of filing a new transfer application and/or a motion with the SRBA court to amend an existing decreed right.
- 2) The late notice was for a beneficial use right (a new record), not an amendment of water right 65-3111X.
- 3) Each water right record has its own file. If the late notice is accepted, IDWR will have a file for it, but the information is not necessarily copied to other files.

Jeff Peppersack
Water Allocation Bureau Chief
208-287-4948

From: schess Chess [<mailto:schess123@msn.com>]
Sent: Tuesday, May 22, 2012 9:42 AM
To: Peppersack, Jeff
Cc: Luke, Tim; schess Chess
Subject: 65-3111X, 77121, 65-23451, 65-23481

Good Morning,

Thank you for uploading the string of emails between yourself and Bruce to the water right file for 65-3111X.

I have multiple questions, concerns and comments that will be submitted at a later date; however a few are of a somewhat urgent nature at this point:

- 1) Water is being diverted from the natural flow of Rock Creek from Allen's unauthorized "upper" diversion and it appears as though water is also being diverted from the lower diversion. Currently there are no livestock located at the place of use so there should be no water diverted from Rock Creek from either POD, and when livestock are present, assuming there are 600 head, only .14 CFS should be diverted from both POD's combined. Is that a correct understanding?
- 2) Is it normal procedure for IDWR to issue a new water right number for the purpose of Filing a Late Notice of Claim

with SRBA to amend an existing water right? The original water right from the SRBA decree is 65-3111X, the Late Notice of Claim was filed under a new water right 65-23481.

3) Is there a reason that the Motion to File Late Notice of Claim filed with SRBA and the Notice Setting Hearing on Motion to File Late Notice of Claim were not uploaded to the existing water right file for 65-3111X and/or protested applications 77121 and 65-23451?

Any information or clarification you can provide before Friday, May 25th, will be greatly appreciated. We have a meeting scheduled during the holiday weekend specific to these topics and would prefer to have the facts correct before hand.

I have intentionally not copied Bruce or John Westra, if the email is forwarded, please copy me so I am aware.

Thank you for your efforts.

Respectfully,

Sandra Chess
(208)863-8769
1200 Lizaso Ave
Boise, ID 83709