

Jordan, Blake

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Tuesday, November 15, 2011 9:33 AM
To: Jordan, Blake
Subject: RE: John Lezamiz Family LTD Partnership Transfer
Attachments: 600DOC006.PDF

Blake,

I have attached the ESPA narrative for you.

Greg

From: Jordan, Blake [mailto:Blake.Jordan@idwr.idaho.gov]
Sent: Tuesday, November 15, 2011 8:49 AM
To: Greg Sullivan
Cc: Cefalo, James
Subject: RE: John Lezamiz Family LTD Partnership Transfer

Greg,

Part 1 B of the application is the description of rights after the requested changes. For the split water rights it asks the applicant to describe the portions to be changed as they would appear after the requested changes. The total diversion authorized by all the water rights after the requested changes is 6.28 cfs. I agree that it does not really matter since the total amount of water proposed to be transferred or changed is the correct amount. The application indicates that there is more cfs authorized under the rights than there really is.

We will not be able to change the ownership of right 34-10895 using the water agreement document. This document is more like a purchase and sale agreement. A purchase and sales agreement is not considered sufficient evidence of ownership of a water right. This agreement does not confirm that the rights have been conveyed. Also the agreement needs to be notarized and should be recorded. This water agreement will allow us to do the transfer but not change the ownership. John Lezamiz Family Limited Partnership can file an ownership change once the transfer is approved.

We also need some sort of a narrative mentioning why an ESPA analysis is not required.

Thanks,
Blake

From: Greg Sullivan [mailto:greg.sullivan@brockwayeng.com]
Sent: Monday, November 14, 2011 4:49 PM
To: Jordan, Blake
Subject: RE: John Lezamiz Family LTD Partnership Transfer

Blake,

I have attached the application page "Part 1 Continued" from the John Lezamiz Family LTD Partnership transfer. I corrected the POD description (I had it right on the cover letter), volume amount for 34-10895 and adjusted the total authorized under rights. The total authorized diversion for 34-230, 34-231, 34-232, 34-2275, 34-2350 and 34-2418 is 5.9 cfs. 34-10895 has a diversion limit of 4.55. Therefore, the total diversion authorized by all of the water rights involved is 11.45 cfs. However, it does not really matter since the new diversion limit for the PPU will be 6.28 cfs and this is the amount that is used to calculate the Fee amount. The fee amount should be \$980.00 + \$100.00 for the divided right requiring an ownership change. I am not sure why I sent an extra \$100.00.

As soon as I get a new aerial map done that shows the PODs for the PPU I will email it to you.

Thanks for all of your help,

Greg Sullivan

Brockway Engineering
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Twin Falls, ID 83301
Office: 208-736-8543
Fax: 208-736-8506

From: Jordan, Blake [mailto:Blake.Jordan@idwr.idaho.gov]
Sent: Monday, November 14, 2011 11:24 AM
To: Greg Sullivan
Cc: Cefalo, James
Subject: John Lezamis Family LTD Partnership Transfer

Greg,

I have reviewed this application and have found some items that need to be addressed.

-Whenever you do a point of diversion change within the ESPA including modeled tributary aquifers, the applicant must submit an ESPA analysis. It appears that the point of diversion change are within adjacent cells, which suggests no ESPA analysis is required. Even though an ESPA analysis is not required for this transfer, you need to mention the reason why it isn't required. This will acknowledge that you looked at the ESPA model.

-The proposed transfer volume for water right 34-10895 appears to be incorrect. It appears that you included the volume under the recreation storage component of the right when you did your calculation $(792.4 + 2.5 = 794.9)(794.9 / 226.4 * 18.9 = 66.4)$. The volume calculation should have only come from the irrigation portion of the water right $(792.4 \text{ af})(792.4 / 226.4 * 18.9 = 66.2)$. The volume to be transferred under this right should be 66.2 af.

-Some of the Proposed POD's are described incorrectly. The ground water POD should be in the NWNWNE of 07N 25E Sec. 31. The POD for the Big Lost should be in 07N 24E section 34. SENWNW. You have 2 points of diversions listed for the Big Lost water rights. It appears that these water rights are only delivered through one point of diversion (Burnett Ditch).

- Your map does not include point(s) of diversion. You must include location of point(s) of diversion and place of use.

-The total diversion authorized under all the rights should be 6.28 cfs instead of the 10.45 cfs. Even though the total rate of diversion from all the water rights add up to 10.45, they are only authorized to divert 6.28 cfs as a result of cfs limitations.

-The filing fee for 6.28 cfs is \$980.00. You paid \$1180.00. Not quite sure what the extra \$200 is for. We will refund you the \$200

I believe that covers everything. Let me know if you have any questions.

Blake

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