

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, October 20, 2011 11:23 AM
To: 'Amy Runser'
Cc: Charles E. Brockway; af@4brosdairy.com; af@4bros.myrf.net
Subject: RE: Permit 37-7033 4 Bros. Dairy

Sensitivity: Confidential

Amy,

I would be happy to meet with to discuss the proposed permit amendment for 37-7033. With that said, I wanted to address a couple of things in your memo that might help explain why the proposed amendment looks the way it does.

I agree with the 211 acre place of use you found in the aerial photography and therefore the overall place of use on the amendment is 211 acres. When permit 37-7033 was approved in November of 1968, it authorized development of 160 acres. Therefore a 160 acre limit for 37-7033 cannot be avoided.

It is my understanding that permit 37-7033 and license 37-2647 (before transferred) were used on the same 211 acres. So when TR 75603 required drying up 9 acres, the overall place of use that could be irrigated was reduced to 202 acres. Therefore both rights are limited to 202 acres within the 211 acre PPU (*Ideally the overall PPU would be 202 acres after approval of TR 75603, but 37-22574 kept the 211 acre PPU so I carried that through.*)

As far as the diversion rate, I am interpreting that the 3.58 cfs was what Jim calculated as the capacity of the well rather than basing his recommended diversion rate on number of acres or duty of water. See page 47 of backfile:

http://www.idwr.idaho.gov/apps/ExtSearch/DocslImages/3rp901_.PDF

3.58 cfs – 2.06 cfs licensed under 37-2647 gives us the 1.52 recommended on the permit amendment.

I try to summarize most of this in a licensing memo that can be found in the related documents on the web or at the link below.

http://www.idwr.idaho.gov/apps/ExtSearch/DocslImages/hx_k01_.pdf

I do apologize if I am referencing documents you have already looked at and you already have determined that they did not address your questions/concerns. If you still feel a face to face meeting would be beneficial, then we can certainly schedule something. I am available tomorrow and all next week, short of Thursday.

Thanks for your time,

Craig L. Saxton

From: Amy Runser [<mailto:amy.runser@brockwayeng.com>]
Sent: Thursday, October 20, 2011 8:56 AM
To: Saxton, Craig

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From: Amy Runser [amy.runser@brockwayeng.com]
Sent: Thursday, October 20, 2011 8:56 AM
To: Saxton, Craig
Cc: Charles E. Brockway; af@4brosdairy.com; af@4bros.myrf.net
Subject: Permit 37-7033 4 Bros. Dairy
Attachments: Fax Transmittal SAXTON 37-7033 10-18-11.doc; 1987 DIETRICH FARM.jpg

Sensitivity: Confidential

Craig,

Please see attached document, regarding permit 37-7033 review.

Thanks,

Amy

Amy Runser
Sr. Graphic Technician
Brockway Engineering, PLLC.
(208) 736-8543



Memo

To: Craig Saxton

From: Amy Runser & Charles E Brockway

Cc: Andrew Fitzgerald

Date: 10-18-11

Re: Permit Exam 37-7033

Craig,

After reviewing the beneficial use field report by J.E. Stanton dated 10-27-93 we believe there to be an error in the number of acres used to calculate the diversion rate and volumes allowed for the two water rights.

Jim states in his report that the 1987 aerial photo shows 186.2 acres of irrigation. Jim uses this 186.2 acres and 0.96"/ac. to set the 3.58 cfs combination limit for water right 37-22574 (formerly 37-2647), & this permit 37-7033. We have reviewed the 1987 aerial photo and found there to be a minimum of 211 acres of irrigation occurring. This results in a difference of 24.8 acres in allowed diversion rate & volume.

We have also reviewed historical aerial photos from 1989, 1990, & 1992 and found similar irrigation occurring in comparison to our finding on 1987 aerial.

We believe it would be best to meet with you and review the analysis and data on the number of acres and diversion rate 4 Bros Dairy should be allowed on this permit.

Thank you for extending the time to respond to your recent letter.

Attached: 1987 Map



**FOUR BROTHERS FARM (DIETRICH)
WATER RIGHT LICENSE REVIEW 37-7033 & 37-22574(37-2647)
1987 FSA AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - OCT. 17, 2011

1987 Irrigation min. 211 acres

Legend

- 106s18e
- 1987 211 acres Irrigated

