

Van Bussum, Monica

From: Van Bussum, Monica
Sent: Thursday, June 23, 2011 11:33 AM
To: 'Greg Sullivan'
Subject: FW: 37-7426 and 37-8165 (Pangiotou)

Hi Greg,

See below for my email to our legal staff regarding the contested right 37-8165 that overlaps with the other Pangiotou/Bliss Valley Properties rights 37-810, 37-811, 37-4040 and 37-4041. It looks like we are well on our way to getting 37-8165 out of the SRBA but it will take a little bit of time. In the meantime, I will be returning the lease applications until the SRBA action is complete. I think this will give you some time to collect the additional information required.

As for that additional information, you know the Department's concern has been about enlarging the irrigation from storage component under 37-4041 and 37-8165 because those rights were not offered to the Bank. When you reapply, you will need to file to place the applicable portions of 37-8165 and 37-4041 into the Water Supply Bank. The new lease application fee will apply because these two water rights have not been offered to the Bank before.

37-4041 has an irrigation storage component for 300 AF and a fish propagation storage component for 300 AF with a total combined limit of 300 AF. We need to ensure through the lease process that the irrigation storage and irrigation from storage are idled, so the irrigation storage and irrigation from storage components of overlapping water rights will need to be offered to the Bank. According to the water right, the storage capacity of the reservoir is 49.9 AF. I assume you will want to retain at least 49.9 AF of the water right outside of the Bank to allow for the fish propagation storage. However, it is likely your client still diverts water to maintain the level of the pond, so we will need some measurement or calculation of how much volume in excess of 49.9 AF will be required to maintain the pond for fish propagation storage. That will be the volume that stays outside of the Bank and the remainder will be leased to the Bank as the irrigation storage/irrigation from storage volume.

I anticipate you'll get the returned applications sometime next week. I hope the NCAPs will be sent to the Court tomorrow or early next week and that Special Master Booth will move quickly to partial decree. It shouldn't be long before your client can reapply for the leases. Please let me know if you have any questions. Thanks!

Monica

MONICA VAN BUSSUM

Sr. Water Resource Agent
Coordinator, State Water Supply Bank
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098
(208) 287-4907
Fax: (208) 287-6700

From: Van Bussum, Monica
Sent: Thursday, June 23, 2011 11:25 AM
To: Kelly, Vicki; Spencer, Nick

Cc: Courtney, Andrea; Saxton, Craig

Subject: 37-7426 and 37-8165

Hi Vicki and Nick,

SRBA subcases 37-7426 and 37-8165 in the name of Erkins were held pending issuance of licenses. The last status conference was held on these on October 7, 2008. Craig voided permit 37-7426 in September 2010 and the license for 37-8165 was issued in January 2011. I think we can issue NCAPs to the Court on these two and perhaps have SM Booth schedule a status conference to see if the BLM objection is resolved so these can move to partial decree. 37-8165 is now in the name of Magic Mfg. Inc.

I have Water Supply Bank lease applications pending for overlapping rights. I normally deny applications that have overlaps contested in the SRBA, but I will return these applications pending further SRBA action and allow the applicants to reapply using the old application date. They have to provide some additional information anyway, so this may give them the opportunity to collect it. I'll see that a copy of this email makes it to the water right file.

Thanks!

Monica

WSB	Basin	Sequenc	Process	Basis	Status	Source List	Priority Date	Diversion	Total Acres	Volume	Current Owner
Yes	37	810	Water Right	Decreed	Active	HOT SPRING CREEK	4/1/1882	1.20	133.0		BLISS VALLEY PROPERTIES LLC
Yes	37	811	Water Right	Decreed	Active	HOT SPRING CREEK	6/1/1884	0.80	133.0		BLISS VALLEY PROPERTIES LLC
Yes	37	4040	Water Right	Decreed	Active	UNNAMED STREAM	6/1/1947	1.60	80.0		BLISS VALLEY PROPERTIES LLC; MAGIC MFG INC
No	37	4041	Water Right	Decreed	Active	UNNAMED STREAM	7/26/1963		80.0	300.0	MAGIC MFG INC
					Irr	Irr Storage					
					Fish	From Storage					
						Prop Storage					
									80.0	2 rts	
									133.0	4 rts	
No	37	8165	Water Right	License	Active	WHITE ARROW HOT SPRING	6/30/1983	1.93	133.0	1,397.3	MAGIC MFG INC
						Irr, Aes, Fish Prop, Fish Prop					
						Stor, Comm, Heat, Dom & Rec					
							4 rts (no Stor)	Irr 2.66	133.0	5 rts	
									133.0	All rts	

All Sources Tributary to Clover Creek
Capacity of Pond for Storage under 37-4041 49.9 af & multiple refills authorized to reach 300 af/year (described in Order to Void Permit 37-7426 09-2010 -Still Active)
Also 2 GW Dom rights for greenhouses 37-11072 & a home 37-11069 (13,000 gpd limit on both).