

Merritt, Allen

From: Jim Speck [jim@speckandaanestad.com]
Sent: Thursday, January 13, 2011 8:58 AM
To: Merritt, Allen; Skaggs, Pam; Saxton, Craig
Cc: 'Levine, Brenda'; 'Boman, Marc'
Subject: RE: RE: Draft SCI transfer approval
Attachments: Draft T76754 SCI working TransferApproval.docx

Allen et al,

The attached draft transfer approval is acceptable to my client.
Please send me a separate letter along the lines described in your e-mail below addressing irrigation of the 3.3 acres until the pond is constructed.

Thank you and Happy New Year!!

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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-----Original Message-----

From: Merritt, Allen
Sent: Thursday, December 23, 2010 1:27 PM
To: Merritt, Allen; Jim Speck; Skaggs, Pam; Saxton, Craig
Cc: Levine, Brenda; Boman, Marc

Jim,

Thanks for getting back with me. I'll hold off on approval until your client returns from out of the country in January.

Allen

-----Original Message-----

From: Merritt, Allen

Sent: Thursday, December 23, 2010 11:04 AM
To: 'Jim Speck'; Skaggs, Pam; Saxton, Craig
Cc: 'Levine, Brenda'; 'Boman, Marc'
Subject: RE: Draft SCI transfer approval

Jim,

We discussed this matter in our transfer meeting yesterday. The state office prefers that the standard conditions similar to the one used for right 37-22583 in the transfer remain unchanged:

"This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-21352. To prevent injury to other water right holders, the right holder shall cease diverting 0.07 cfs of this right from Silver Creek."

The state office prefers that I write a letter of explanation (maybe this e-mail response will suffice) authorizing the continued use of irrigation of 3.3 acres at the described place of use of the mitigation portions of the subject rights until the pond authorized under 37-22583 is constructed. Once the pond is constructed no further irrigation of the 3.3 acres is authorized. Let me know if you need a formal letter.

I plan on approving this application this afternoon. If you have other concerns let me know soon.

Allen

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Tuesday, December 21, 2010 5:54 PM
To: Skaggs, Pam; Saxton, Craig; Merritt, Allen
Cc: 'Levine, Brenda'; 'Boman, Marc'
Subject: RE: Draft SCI transfer approval

Allen,

Thanks for your call earlier today. I will try to discuss the draft with my client tomorrow since Thursday is the last day in the office for you this year and you want to issue the approved transfer before the end of the year.

In the meantime, the condition for each changed right that describes the mitigation for use under 37-21352 can be read as requiring my client to cease diverting the specified amount of water even before that project is constructed. It has been our understanding that unless and until that occurs the 3.3 acres can continue to be irrigated. Can the condition be modified to require ceasing diversion "when water is diverted and used under 37-21352"??

I will talk to you tomorrow.

Jim

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-----Original Message-----

From: Merritt, Allen
Sent: Thursday, December 16, 2010 12:50 PM
To: Skaggs, Pam; Saxton, Craig; Jim Speck

Folks,

Attached is my draft transfer approval intended to combined the rights back on SCI property under single right numbers with same priority dates. Also attached is my spreadsheet where I reanalyzed the way things were split up particularly the way the mitigation required for 37-21352 was described. I've also recaptured describing the conveyance loss for the groundwater right that was lost thru the SRBA. Also I've clarified the overall afa limit.

Let me know your thoughts.

Allen

<<SCI T76754.xlsx>> <<Draft T76754 SCI working TransferApproval.docx>>

Attachment(s): SCI T76754.xlsx; Draft T76754 SCI working TransferApproval.docx

6/7/2005

SCI Properties Application 37-21352										
Mitigation Worksheet										
Water Right Number	Rate	Acres	Volume	Rate/Acre	Vol/Ac	Acre Limit	Mitig Rate	Mitig Acres	Consumptive Use Volume	
37-215G Silver Creek	2.4	230	420***	0.02	3.5***	120	0.066	3.3	7.36 (3.3 ac @ 2.23afa)	
37-1096A Silver Creek	0.8	230	266***	0.0105	3.5***	76*	0.03465	3.3	7.36	
37-1097 Silver Creek	1.2	230	266***	0.0157	3.5***	76*	0.05181	3.3	7.36	
37-7770 Ground water	5.6	400	1200**	0.014	3	none	0.0462	3.3	7.36	
Totals/Limits:	10	400	1200				0.19866	3.3	7.36	
*Rts. 37-1096A & 37-1097 limited to 266 af and 76 acres when combined @3.5 afa										
**Rts. 37-215G, 37-1096A, 37-1097, 37-7770 limited to 1200 af and 400 acres when combined @3.0 afa										
***Rts. 37-215G, 37-1096A, 37-1097 limited to 686 af and 196 acres when combined @3.5 afa										