

Van Bussum, Monica

From: Keen, Shelley
Sent: Friday, April 23, 2010 3:28 PM
To: Van Bussum, Monica
Cc: Saxton, Craig
Subject: RE: 75-14607 (Engle) lockable device

Monica,

In preparing a memo with your recommendation, here are the things I recommend researching and discussing:

- What does the Wild & Scenic stipulation say, and what conditions are we using to implement it? What conditions would we use if this application were filed today?
- Is it possible the permit holder already has something that will work? For small electrically powered systems IDWR typically will find it acceptable if the watermaster can shut off the power and lock the panel closed. (If the pump is on the same power switch as the house, this option won't work.)
- Is he in an active water district? If so, we always require the right holder to seek the watermaster's perspective and submit it in writing with the WM's signature. Tim informed me that the order setting a hearing date for interim administration in Basins 75 and 73 was mailed yesterday. He's not sure when those basins will be incorporated into Water District 170, but interim administration authority would clear the way.

Among these considerations, I think a big concern for IDWR will be compliance with the Wild & Scenic stipulation. I remember Karl Dreher saying that the United States would like to get the agreement thrown out by arguing that Idaho cannot or will not implement its provisions. If the agreement is thrown out, future development in the Salmon River drainage could be in jeopardy.

Shelley

From: Van Bussum, Monica
Sent: Friday, April 23, 2010 1:56 PM
To: Keen, Shelley
Cc: Saxton, Craig
Subject: 75-14607 (Engle) lockable device

Hi Shelley,

75-14607 was permitted with the standard condition requiring the right holder to install a lockable device to provide the watermaster control of the diversion. In this case, water is diverted via a ½-hp pump and applied to just less than 2 acres of lawn & garden. The pump is placed in a bucket in the creek during use and is removed from the creek when no longer in use. Craig and I found we have waived this requirement in other areas but this right is covered under the Wild & Scenic stipulation. Can we waive the requirement in this area? I fear this condition will be a real impediment to the water user and would like to explore alternatives. Thanks!

Monica