State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200; Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor
GARY SPACKMAN
Interim Director

April 29, 2010

Charles G. Brockway, PE
Brockway Engineering
2016 N Washington St
Suite 4
Twin Falls, ID 83301

Dear Mr. Brockway:

Please find enclosed an application for permit and two water right transfer applications that you recently submitted to our office in the name of Roderick Rinker. I have also enclosed the filing fee (Brockway Engineering check # 9322) in the amount of $300.00 that was submitted along with the applications. Note that the filing fee for an Application for Permit for 1.2 cfs is $290.00 and the filing fee for transfers involving amounts less than 0.20 cfs is $100.00. For the three applications that were submitted the total filing fee would be $490.00, rather than $300.00.

A preliminary review of the applications also revealed a couple of items that need to be addressed before the applications can be accepted for processing...

The application for permit proposes a diversion rate of 1.2 cfs (anticipated pond refresh rate) and a storage volume of 9.6 acre-feet (anticipated storage volume of the pond). The narrative that accompanies the application includes the following statements...

"Approximately half of the pond will be above-ground, and half below-ground"

And

"During the first year of operation, the pond will be filled either by diversion from groundwater or by natural subsurface water. The degree to which the pond fills by subsurface water will depend on the aquifer levels when the pond is constructed. IDWR will need to determine based on current policy what, if any, first-year fill mitigation will be required."

The proposed first year mitigation must be included as some part of the submitted application for permit, typically as an accompanying mitigation plan. It appears that depending on circumstances; potentially as much as all of the 9.6 acre-feet could be required to be diverted from the diversion point described on the application for permit in order to fill the pond. However, depending on those same circumstances significantly less than 9.6 acre-feet could be required to be diverted from the diversion point described on the application for permit in order to fill the pond. Additional information needs to be submitted detailing the pond design and initial filling plan accompanied by a proposed mitigation plan indicating the amount(s) of mitigation to accommodate the initial fill of the pond.

The transfer application involving the portion of right 37-8322 appears to indicate that some sort of change in nature of use is proposed (item # 1, Section A, Part 1 of application). However, it appears that all the application is actually proposing is changing the place of use of the water right. In addition, it appears that the application is only changing the place of use within the same 40 acre tract, within the applicant's property. We can process such an application, in particular if it helps resolve ongoing SRBA issues, but examination of page 6 of the Department's Transfer Processing Memo appears to indicate that such a change does not actually require a transfer application.

If you have any questions, or if I can be of any further assistance, free to give me a call at your convenience.

Sincerely,

Corey Skinner

Corey Skinner, PE
Water Resource Engineer

Enclosures