

## Robertson, Jean

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**From:** Robertson, Jean  
**Sent:** Monday, February 01, 2010 12:02 PM  
**To:** Van Dyke, Nick  
**Cc:** Cooper, Jeff  
**Subject:** RE: 75838 etc. Spring Creek & Sun Valley Ranches Transfers/Application for Permit

Hi Nick,

Jeff is out this morning but is supposed to be here this afternoon. I think the reason that the transfers do not match the spreadsheets is because they keep changing the applications and intend to change them again. There were original apps filed last August (maybe why they are on the old forms?) and then they submitted amended ones. (I don't think I even scanned the original ones at this point and that's why I haven't spent a lot of time getting them in workflow just yet.) Then they change things and submit new spread sheets. I think they are trying to see if their concepts will even fly. If so, they will submit another version of the apps in their final? forms. As far as to why some have credits and others have debits, I think it's because of the amount of acres in each that are being converted to ponds, either from existing irrigation uses or existing open water uses. Maybe we can call you this afternoon when Jeff gets here and go over these a bit more?  
Jeanie

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**From:** Van Dyke, Nick  
**Sent:** Monday, February 01, 2010 11:36 AM  
**To:** Cooper, Jeff; Robertson, Jean  
**Cc:** Skaggs, Pam  
**Subject:** RE: 75838 etc. Spring Creek & Sun Valley Ranches Transfers/Application for Permit

Jeff/Jeanie,

I've had a chance to review your questions below and discuss them with briefly with Pam and Jeff. I'm having a hard time following Brockway's consumptive use worksheet compared to the transfer applications, so I won't get into any detail with numbers/amounts, but rather the overall concepts Brockway's is proposing (I briefly talked with Zach last Friday – sounds like they are re-submitting a new worksheet anyhow). First, to reiterate your questions/concerns to make sure I'm understanding them correctly – kinda tough jumping into these applications midstream:

- Use consumptive gains from the less acre-feet requirements of open shallow water vs. historic grass pasture in most of the transfers to allow less acres to be idled in a couple of the transfers that have a net consumptive use increase. A credit offsetting debit concept.
- Can the consumptive use credit amount include gains from existing open water features located under irrigation rights?
- Wouldn't the transfers require pod descriptions on each on-stream impoundment as well as points of re-diversion/injection on the off-stream ponds?

While writing this email a thought occurred to me – why are there debits in some of the transfers and credits in others? It's my understanding all 11 transfers are filed with the intent to convert some irrigation to ponds uses. Since all of these are within the same general measuring area (Picabo), how are we getting differing amounts? Only thing that comes to mind is perhaps there was a different historic use at the sites involving debits?

To answer your first questions, we *may* be able to accept the credit/debit proposal. In talking with Jeff, it sounds like the proposal may only be acceptable if there is a clear way to administer and account for what mitigates what (e.g. Right No. \_ mitigates for Permit No. 37-22459 by the reduction of x acres or some kind of credit language vs. Transfer No. \_ mitigates for Permit No. 37-22459 by the " "). The idea is to link it by each right individually versus by transfer no.

I was having a hard time comparing the rights/amounts listed on the applications scanned on WRtemps to what's identified on their consumptive use worksheets – wasn't quite getting the same numbers. There were other issues as well. Perhaps I am missing something – maybe a quick phone call would help clear this up for me. With regards to the second bullet, I think it's a no go. The Department isn't going to recognize an unauthorized use as valid to transfer. Jeff you're right on with your concern with the third item. We would require those diversions/re-diversion/injection points to be described. We should try the next time the old form is submitted to return it with instruction to use the right application form. I was under the impression that Brockway's should be aware of our current form by now.

Thanks and I'm sure we'll be in touch.

Nick

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**From:** Cooper, Jeff  
**Sent:** Wednesday, January 27, 2010 12:17 PM  
**To:** Skaggs, Pam  
**Cc:** Keen, Shelley; Merritt, Allen; Robertson, Jean  
**Subject:** Spring Creek & Sun Valley Ranches Transfers/Application for Permit

Pam-

The following set of transfer applications have been scanned are located in the same folder as our weekly agenda:

T75840  
T75855  
T75838  
T75839  
T75856  
T75854  
T75849  
T75850  
T75851  
T75852  
T75853

And Application for Permit 37-22459

There is also a PDF of some important attachments located in the same folder. Jeanie and I came up with three fundamental questions we need to have direction on before we are comfortable proceeding with processing of the applications:

1. Brockway Engineering refers to certain rights as the North Farm-Sun Valley Ranch (37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-230, 37-231B, 37-232, 37-577AZ, 37-2492, 37-2538, & 37-22050) and the South Farm – Spring Creek Idaho Ranch (37-139, 37-180, 37-181, 37-231A, 37-233, 37-1187, 37-1207, 37-2597, & 37-2764) and they have 'bundled' the transfer accordingly (refer to Attachment PDF). For the consumptive use analysis, for irrigated areas, they generally use Picabo – Grass Pasture, low management (1.90 af). This has a greater consumptive use than the proposed pond system (Picabo - Open Water – Shallow System (1.68 af)), which for the most part will be dried up under current POUs. However, as can be seen on the consumptive use balance sheet, Transfer 75851 proposes to create ponds outside of the POU and require an additional 12.6 af to accomplish the proposed changes. Because the overall effect of the combined transfers creates a net decrease in consumptive use, Brockway Engineering argues that this can be applied to the deficit in T75851. We have a similar type proposal for the South Farm, however combined they still require a dry up of 7.5 acres. So, our question is can you bundle transfers, specifically in this area where there is no model, to essentially create a credit that can be used in other, concurrently filed transfers? If yes, than couldn't the North and South farm 'credits' also be combined so no acres would be required to be dried up? I would also like to mention that these rights are from various sources.

2. You will also note after reviewing the consumptive use balance sheets that existing open-water features, currently located under irrigation rights, are taken into account. Can we this be done since the rights are for irrigation?
3. These transfers also propose many (I think 48) ponds located on and off stream. Currently the transfers list the existing PODs, from which water will be pumped and subsequently injected into the waterway. Wouldn't the transfer also require PODs on each (onstream) impoundment as well as where it is taken out and put back in for each offstream impoundment?

Allen may have some additional questions, but I think these are the bulk of it. Please let us know when you are ready to discuss these matters or if you have any additional questions. Thank you.

-Jeff C.