

From: Olenichak, Tony
Sent: Tuesday, December 15, 2009 3:10 PM
To: W. Roger Warner; Carlsen, Ernie
Cc: Keen, Shelley; 'Stan Clark'; Swank, Lyle; wdyer@thedyergroup.com
Subject: RE: City of Newdale, Transfer 76126

Roger,

At most times, it wouldn't matter if the Henrys Fork and South Fork were combined into one reach for mitigation purposes. There are only a few occasions where the mitigation for Henrys Fork depletions would need to be injected into the Henrys Fork instead of the South Fork or mainstem above Blackfoot. Occasionally, in dry years during the later parts of the summer, the natural flow isn't sufficient to fill diversion priorities on the Henrys Fork and/or South Fork up to the same levels as being filled on the Snake River mainstem due to the additional gains that arise between Menan and Blackfoot that have been unavailable to upstream diversions. At those times, additional water injected into the Snake River reaches wouldn't offset depletions on the Henrys Fork. A diversion on the Snake River could benefit from the additional gain, while diversions on the Henrys Fork would get stuck with the depletion. As I said, this situation isn't common, but it does occur for short periods in some years.

Another exception includes mitigation for depletions that occur on the Teton River and some other tributaries that go dry before reaching the Henrys Fork or Snake River. If depletions occur on the Teton River when the lower reaches of the Teton River are dry (i.e., when it doesn't reach the Henrys Fork during the later part of the irrigation season) the mitigation would need to be injected into the Teton River. When these conditions exist, mitigation injected into the Snake River or Henrys Fork would not offset the impacts to natural-flow deliveries to Teton River diversions. This would also apply to any other tributaries during times when those tributaries are dry between diversions and where the tributary normally reaches the Henrys Fork or Snake River. The mitigation would need to be injected into the tributary upstream from the diversions during times when the tributary no longer reaches the river..... i.e., no water exchanges with downstream reaches are possible under these circumstances.

Tony

From: W. Roger Warner [mailto:rwarn@rockymountainenvironmental.com]
Sent: Monday, December 14, 2009 5:01 PM
To: Carlsen, Ernie; Olenichak, Tony
Cc: Keen, Shelley; 'Stan Clark'; Swank, Lyle; wdyer@thedyergroup.com
Subject: City of Newdale, Transfer 76126

Tony and Ernie,

Enclosed is a draft analysis of carriage water for the Henrys Fork and the South Fork of the Snake River.

As you may or may not be aware, the City of Newdale, under duress from elevated arsenic levels, has received grant monies from various governmental entities to drill a new cold water supply well that would be diluted with water from existing wells. A location was obtained some 3 miles southeast of the city. No new water or water right is sought to be appropriated.

We prepared a transfer application with a spreadsheet analysis that transferred a portion of the water right to the new well leaving a portion of the right in the existing wells. It has been advertised and we are unaware of any protests. Only recently we received notification back from the Department that our spreadsheet analysis was not acceptable and that mitigation is required.

We have since re-evaluated the mitigation plan using the updated methodology described by Water Right Agent, Blake Jordan, and find that moving the POD north or south of the city results in depletions from the Henrys Fork and accretions to the South Fork or visa versa if moving a POD in the opposing directions. The other reaches of the river are not affected in any significant way that would require mitigation.

Thinking about this, we have found two scenarios for mitigation that we feel are the most attractive. One scenario is the geologic phenomena (aka faulting) present between the South Fork and the Henrys Fork that we presented as mitigation

analysis for the presently protested application for Dallan Jeppesen on Moody Creek. The other scenario, we have not yet discussed but feel it has merits, is the way the Henrys Fork and South Fork are administrated or how they could/should or are being administrated. Under this scenario, we are suggesting that the Henrys Fork and the South Fork be considered to be one reach for the purposes of the transfer spreadsheet since one or the other supplies water in excessive amounts to supply downstream interests. Water modeled to show that it is "accreted" from one reach or the other would mitigate the "depletion" of the opposing reach at the confluence at the Menan Buttes.

This issue is of high importance to the city but also has a timing issue that necessitates action since grant monies will be in jeopardy if not providing for a new well by a certain date. That date was represented to me by the engineer to be in the Middle of February.

This is a challenging issue that we feel merits a coordinated effort to find a reasonable solution. We are anxious to meet and discuss this issue with you and others.

Regards,

W. Roger Warner *Hydrologist*

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