

Keen, Shelley

From: Homan, John
Sent: Wednesday, November 04, 2009 9:02 AM
To: Stanish, David
Cc: Patton, Brian; Marshall, Aaron; Keen, Shelley
Subject: Brian's Earlier Question about Black Canyon Exchange

David,

When reviewing the proposed amended order for the Black Canyon Exchange Brian posed the following question and comment in a September 28, 2009 email:

1. To change the nature of use, season of use, or place of use of a water right for beneficial use under this exchange, the Idaho Water Resource Board shall secure authorization through the State Water District No. 1 rental pool.

I assume this means for any other use, place, or season not specified in the exchange? Otherwise it looks OK from our end. Thanks

David, you had asked me to address Brian's concern. I visited with IDWR staff about the concern and concluded that the nature of use, season of use and place of use are not identified under the Exchange. The authorization for the Board to use the water for a specific purpose, during a specific time or in a given place must come from the 01 Rental Pool. Once those elements are initially authorized by the 01 Rental Pool, any subsequent changes to the nature of use, season of use or place of use must again be approved by the 01 Rental Pool.

IDWR indicated that it is ready to issue the Amended Order in the next couple of weeks.

John