

MEMO

FROM: Sandy Hemenway

DATE: 6/29/2009

TO: File 47-8389A

SUBJECT: Changes from one well to 4, and why licensed for 7.0 cfs

A letter dated 5/20/1997 from Attorney Wonderlich, with copies from protestants, stating they did not mind combining 47-8410 and 47-8389A, as long as they did not exceed a combined total of 7.0 cfs as in the 10/28/1996 Order.

In a 3/22/2004 Memo written by Allen Merritt, "the original well drilled was only able to provide about 3.9 cfs but had dwindled to 1.0 cfs. Twin Falls wanted to divert a portion of the permitted right out of the well drilled under 47-8410 for 4.0 cfs (This well has a capacity of maybe 6.0 cfs, and this permit is limited to 7.0 cfs when combined with 47-8389A)." Allen discussed this issue with Shelly Keen and they concluded "that the City needed to get the original protestants to agree to allow use of more than one well and then petition to get the condition waived that limits use of only one well. If this is done, then the City would need to show that both well #3 and well #4 were developed prior to 9/4/2001 when proof was submitted for 47-8389A. If all this falls into place then the field exam for 47-8389A could include both wells and use recognized under a licensing amendment." (Proof of Beneficial Use was submitted 8/29/2001; Field Exams were conducted on wells # 1 – 4, on 8/19/2004 confirming location, and capacity of the system.)

An email dated 9/13/2005 from Shelley Keen to Jackie Wakefield and Allen Merritt, titled Draft Amendments for City Permits, it stated the following: "Jackie, I have attached draft amendment forms for Permits 47-8389A and 47-8406. The drafts show 47-8389A at 7.00 cfs with all four points of diversion and 47-8406 at 6.00 cfs with all four points of diversion. I did not include an amendment form for Permit 47-8410 because the other two permits, if amended in accordance with the drafts, total 13.0 cfs, which was the maximum amount authorized to be developed in connection with all three permits. (Permit 47-8389A, and 47-8410 are limited to a combined total of 7.0 cfs.) As we discussed on the phone, IDWR will not issue water right licenses that match these draft amendments without written concurrence from the original protestants and intervenors in the matter of Application 47-8389A. Please call or email if you have questions or if you want to discuss other alternatives."

On 5/6/2009, the file was reviewed with Pam Skaggs, and it was determined that a copy of the letter and Application for Amendment would be mailed to all protestants and intervenors in the matter of Application 47-8389A. A second mailing was sent on 5/28/2008 for those resulting in a "mail-return." The Application for Amendment for 47-8389A included all four well, and a diversion rate of 7.0 cfs. To date, no objections or appeals have been submitted in regards to the Application for Amendment. For this reason, it was determined to proceed with the Licensing process for 47-8389A. (Fees and the signed Application for Amendment were received by IDWR on 5/20/2009).