

Skinner, Corey

From: Skinner, Corey
Sent: Monday, April 21, 2008 6:20 AM
To: Peppersack, Jeff
Cc: Merritt, Allen; Keen, Shelley; Skaggs, Pam
Subject: RE: Transfer application - Catherine S. Dawson Revocable Trust

Jeff,

Maybe we can discuss at Wednesday's meeting. I won't be available until Wednesday morning anyway and that might be a time where everyone on our end could be available. I spoke to Chuck last week about this the day he sent the e-mail. I think he had some sort of joint teleconference in mind that he could participate in with Allen and I, and state office staff, to get his item(s) addressed. It would probably be a good idea to talk about the issue(s) internally before we had any such meeting, or before one of us responds back to Chuck.

Corey

From: Peppersack, Jeff
Sent: Friday, April 18, 2008 10:46 AM
To: Skinner, Corey
Subject: RE: Transfer application - Catherine S. Dawson Revocable Trust

Corey,

Looks like you're the lead on this. I'd rather discuss this internally instead of sending emails back and forth between Brockway and everyone else. Do you want to set up a meeting for discussion, or we could discuss at Wednesday's meeting.

Jeff

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Thursday, April 17, 2008 1:42 PM
To: Skinner, Corey
Cc: Merritt, Allen; Peppersack, Jeff; Keen, Shelley
Subject: Transfer application - Catherine S. Dawson Revocable Trust

Corey,

I received your letter dated April 11, 2008. By way of this e-mail, I would like to open a discussion with you, Allen, Jeff, and Shelley regarding this proposed transfer. As proposed, the transfer would convert surface right 37-276F from a surface water source (Big Wood River) to a groundwater source (existing well). Irrigation from the existing well is occurring under water right 37-8574, which is overlapping with 37-276F. There is currently no surface diversion. The objectives are twofold: 1) protect the surface right from forfeiture due to non-use, and 2) protect 37-8574 against curtailment in a conjunctive management scenario. Obviously, one option is to simply begin using the surface water – this is an option Mr. Dawson is exploring – but he would prefer to continue using the well as the source.

In your letter dated January 18, 2008, you indicated that for a change in source, the two sources must have a direct and immediate connection such that at least 50% of the depletion at the well occurs in the river within 24 hours. I understand that this comes from the ESPA transfer memo. I have completed some preliminary analytical calculations and determined that the well would need to be located within about 200 feet of the river in order to meet this criterion.

4/23/2008

As I indicated in my letter dated January 3, 2008, the hydrologic connection between surface water and groundwater at this location is demonstrably very intimate and there are no river diversions within the reach where all of the well depletion is sure to occur. For this reason, I do not see the justification in this case for imposing an arbitrary criterion such as 50% in 24 hours.

I happened to find out (today) that IDWR approved in 2005 a new permit for the Blaine County School District (37-21177), which was mitigated by leaving a certain amount of a surface right in the river which had previously been diverted at the Hiawatha Canal. There is no indication in the file that calculations or modeling were performed to quantitatively demonstrate the location, timing, and magnitude of the depletion in the river. Certainly, the "50% in 24 hours" criteria was not met in this case since the well is far from the river.

In 2001, IDWR approved two similar permit/mitigation applications submitted by Brockway Engineering (T#66101 and T#69165/Permit#37-20400). In these cases, IDWR required actual quantitative evaluation of the timing and location of the impact, so we ended up actually creating a small groundwater model. Why was this not required for permit 37-21177?

Are there different criteria for a permit with mitigation as opposed to a transfer from surface water to groundwater? Depending on the circumstances, the two structures might be exactly the same from a hydrologic standpoint. I was under the impression that the same criteria would apply. In what circumstances will IDWR require a quantitative river impact evaluation?

If the criteria for a permit with mitigation are less restrictive, I believe a simple option for the Dawson property would be to propose a mitigation plan for 37-8574 which consists of leaving 37-276F in the river (transfer of 37-276F from irrigation to mitigation?). This would protect the surface right from forfeiture due to non-use, and would protect 37-8574 against curtailment in a conjunctive management scenario.

Mr. Dawson is now evaluating his options, and needs to make a decision quickly prior to the irrigation season. Please let me know your thoughts at your earliest convenience.

Thank you!
Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

rebuttal to

have another go at it

file a mitigation plan

put in water use for mitigation

currently proposed

10/17/2008