

Gibson, Deborah

From: Peppersack, Jeff
Sent: Thursday, May 21, 2009 9:14 AM
To: Gibson, Deborah
Subject: FW: Permit No. 51-7346.

Debbie,
Please add this email to the file.

Jeff

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Friday, May 15, 2009 4:00 PM
To: Campbell, Lin
Cc: RAYOLA JACOBSEN; Peppersack, Jeff
Subject: RE: Permit No. 51-7346.

Lynn,
I appreciate you taking the time to meet with Jeff. I have already prepared the petition for reconsideration which will be filed on Monday, May 18th. As you know this is an accommodation to the Bruneau Hotsprings Snail Committee by the Simplot Trust to cooperate with the Committee in a project that that conserve groundwater within this Groundwater Management Area. I think we have given it our best effort to help the Committee with its mission. Without a water right or water right permit, however, there is no need to pursue a second pump station.

From our perspective granting the extension is within the IDWR's discretion under these extraordinary circumstances. Quite frankly, from my perspective, denying the request is counterproductive to the management of groundwater within this groundwater management area – but that will need to be the IDWR's call.

Under the circumstances I do not think a transfer will work. If our petition is denied, we will file proof for the 800 acres (approx) that are currently irrigated with the existing pump station under Permit 51-7346. Once proof is filed, our right would be limited to the 800 acres that are currently irrigated. There will not be any "excess" water or places of use that can be transferred to the new pump station that is under consideration. The undeveloped portion of the permit will evaporate once we file proof.

We will file the petition and see where the chips fall. If it is denied, I hope your other projects are successful.
Thanks.

From: Campbell, Lin [mailto:Lin.Campbell@idwr.idaho.gov]
Sent: Friday, May 15, 2009 3:25 PM
To: Conrad, Vic E
Cc: RAYOLA JACOBSEN; Peppersack, Jeff
Subject: Permit No. 51-7346

5/21/2009

Mr Conrad:

Since our meeting on May 12, I have spoken to Jeff Peppersack, our Water Allocation Bureau Chief, about your request for extension of time for permit 51-7346. In reviewing the history of this permit, he noted that the maximum extensions have already been granted for this permit. Idaho Code allows for one five-year extension for good cause and can only provide additional extensions for a narrow set of circumstances due to federal delay or litigation. Since this permit has already had the maximum extensions for good cause, he said that from a legal standpoint, another extension is not possible. You probably understand water rights far better than I do, but one suggestion he made was that it might be possible to go ahead and prove up the permit and then when the license is granted, apply for a transfer for the new pump station. A transfer could not provide for irrigation of additional lands. If additional lands will be developed, a new application for permit would be appropriate. I don't even pretend to know all of the legal ins and outs of those processes, but maybe they provide some options.

I also spoke with my superiors about the general concept of writing a letter of support in a situation like this. They were pretty uncomfortable with the idea since we are often called upon to do the hydrogeologic analysis for the Allocation Bureau when a transfer is requested. The policy doesn't cast judgement on the merits of your project or any other project; we just need to be careful that we don't hinder the Department's standing as the process moves forward.

I do appreciate the support that we receive from Simplot in Southeast Boise and the Bruneau-Grandview area.

Lin Campbell, PG
Technical Hydrogeologist
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5/21/2009