

From: Miller, Nick
Sent: Friday, October 17, 2008 9:25 AM
To: Nelson, Dan; Keen, Shelley
Subject: RE: Brown/Lee Permits
Dan and Shelley,

I spoke with Bob Kenworthy of the USFS yesterday regarding the data logger requirement in the wild and scenic agreement. His take on it was that we can use some discretion in requiring data loggers at this point, but we should leave the door open so we can require them in the future. We discussed the Brown/Lee groundwater permit and that we had planned to issue an order allowing the PCC to satisfy the data logger requirement and providing justification as to why that meets the intent of the wild and scenic agreement. Additionally, he suggested that we include a condition on the license that, "upon specific notification by the department, the user will install an electronic data logger...". I think this is a good approach, as we are documenting a good-faith effort to meet the wild and scenic requirement, but we are not imposing too much of a burden on water users. Additionally, Bob informed me he is working to try to get a suitable and inexpensive logging device developed that can be used to meet the requirement. So, having the "Upon specific notification..." condition on the license leaves the door open to install such a device when it becomes available, or when we identify an existing suitable device that we feel comfortable recommending.

Let me know if you have any further questions or if there is anything else I can do.

Nick.

From: Miller, Nick
Sent: Thursday, October 16, 2008 9:25 AM
To: Miller, Nick; Nelson, Dan
Cc: Keen, Shelley
Subject: RE: Brown/Lee Permits

I forgot to attach the USFS letter with my last email.

From: Miller, Nick
Sent: Thursday, October 16, 2008 9:01 AM
To: Nelson, Dan
Cc: Keen, Shelley
Subject: RE: Brown/Lee Permits

Sorry I didn't get back to you guys earlier, I took some vacation and had my final CPM exam, presentation, essays, etc... so I have been out of the office quite a bit.

My take on the logger situation here is that the USFS has indicated some flexibility with the logger requirement. During our meeting with them on March 13, 2008, they indicated that the data logger requirement can be considered satisfied if a diversion is under regular watermaster control. They confirmed this in a letter to us dated March 26, 2008. However, it is not clear from the letter whether they anticipate that IDWR consult with them on each case where we do not employ an electronic logger.

Anyway, I'm free to talk about this anytime today, but I plan to be out tomorrow and will be in the field the first half of next week.

From: Nelson, Dan
Sent: Friday, October 10, 2008 2:27 PM
To: Miller, Nick
Cc: Keen, Shelley
Subject: Brown/Lee Permits

Nick,

Shelley and I were going through the conditions on the Brown/Lee permits we did in Stanley. During this conversation, we came across some measurement conditions, that weren't in place dealing with a data logger requirement. Since you are the Wild and Scenic expert, we decided to hold off on the permits until we could speak with you. Do you have any time Tuesday through Thursday of next week? Shelley would prefer the early afternoons. I am guessing it will take between 1 and 1 ½ hours to figure out what to do here. Please let me know when we can schedule this get together.

Thank you

Dan Nelson