

Weaver, Mathew

From: Murphy, Wendy
Sent: Tuesday, June 24, 2008 9:11 AM
To: Weaver, Mathew
Cc: Olenichak, Tony
Subject: RE: Application 35-13542 Mitigation Plan Utilizing Palisade Reservoir Storage Water

Mathew,

Natural Guardian Limited Partnership is the owner of 959 shares of stock in Palisades Water Users. The stock is in the name of the partnership. I am struggling with how to answer the question of fill for the last 10 years. Natural Guardian has indicated the water to be used either through the Great Feeder Canal, or they have held it over in the reservoir for use in future years when the water supply is not sufficient. The water district determines the amount of new fill each year the reservoirs accrue. Last year the accrual to the 130 shares was approximately 81.7% or 106.2 acre-feet. If this space fills once in 10 years it would be more than adequate to mitigation for the 7-8 acre-feet that needs to be mitigated for.

1 share is equal to 1 acre-foot of space in the Palisades reservoir. If water is not used in the year it can be held over to the next year. However, the yield in any given year cannot exceed the amount of space they hold. For example:

unused accrual from 2007 81.7% = 106.2 acre-feet
 approx. new fill from 2008 50% = 65.0 acre-feet (this amount is still unknown)

Natural Guardian will not receive 171.2 acre-feet in 2008, the total water available will be 130 acre-feet (less evaporation). This is the maximum amount of space they have available to fill.

From: Weaver, Mathew
Sent: Monday, June 23, 2008 11:31 AM
To: Murphy, Wendy
Subject: Application 35-13542 Mitigation Plan Utilizing Palisade Reservoir Storage Water

Wendy~

Hello, I hope you are having a good start to your week. I wanted to follow up with you concerning the discussion we had last week regarding the use of Palisade Water Users' storage rights for mitigation by Frank Vandersloot (Natural Guardian Limited Partnership). In that discussion you had indicated that you might be able to provide some kind of information that indicated historically how much water Mr. Vandersloot has received (percent of total water shares). I had some other questions for you and I was hoping you could answer these questions in addition to providing the information above.

- 1) You indicated that there were 130 water shares owned by the applicant that currently had no designated use. Can the applicant designate these water shares at mitigation waters? How will this designation be recorded? The Palisades bylaws indicate that the stockholder has to be a land owner, which Vandersloot definitely is! We have always taken the position that the Palisades shares are supplemental. In the case of mitigation they supplement some one the director finds to have been shorted by the owners water use.
- 2) Is there a season of use associated with these shares even if there is no designation of use? Can water represented by these shares be release outside of the irrigation season (March 15 – November 15)? As a practical matter the season of use is the Water District 1 accounting year, which historically has been November 1 - October 31.
- 3) Do any means exist to measure the water that would be associated with the mitigation plan for this application? Who could confirm year in and year out that the mitigation water was released, and in what time and volume? Mitigation water can not simply be released into the river. It has to be delivered somewhere and used beneficially, or held in storage for some future purpose in the current accounting year. Deliveries of mitigation water are thus made and tracked by the watermaster.

6/24/2008

We are being pressured by the applicant for a speedy release of his permit so any urgency you could lend this matter would be appreciated. Thanks and if you have any questions please call or email.

Mathew Weaver, PE
Water Allocation Bureau
Idaho Department of Water Resources
(208) 287-4914

6/24/2008