



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

September 23, 2008

Lyle Swank, Regional Manager
Idaho Department of Water Resources
900 North Skyline Drive Suite A
Idaho Falls, Idaho 83402-1718

Re: Application for Water Right Transfer

Dear Lyle:

Enclosed is an application for transfer of water rights 29-2284 and 29-2301 for Southeast Idaho Energy LLC. Southeast Idaho Energy LLC is developing a plant to manufacture fertilizer from coal and requires a quality ground water supply for processing and cooling.

The two industrial water rights were purchased from the FMC Corporation and were utilized within the FMC plant and later for mitigation purposes in the ESPA.

The hydrologic analyses, required by the IDWR Transfer Guidelines were performed using the ESPA ground water model version 1.2 as required and that data is included with this application. The simulated reach-gain depletions with the transfer were held to values below the requirements of the Transfer Guidelines by reducing the diversions at the TO site (SIE site) by 17 percent of the allowed pumpout. The simulated net reach gain depletion from the combined near Blackfoot to Minidoka reach was utilized instead of the individual near Blackfoot to Neeley and Neeley to Minidoka reaches since the beneficial impact of the transfer is primarily in the American Falls reservoir and the negative impact is primarily in the Neeley to Minidoka reach. I have discussed the utilization of the combined reach with Director Tuthill and he indicated that the Transfer Guidelines likely should be modified to allow some flexibility in transfers such as the one here proposed.

Please review the application for processing and let me know if any further information is required.

Sincerely,


Charles E. Brockway, P.E.

Enclosure: Transfer Application
cc: Ramesh Ramen w/o enclosure
John Simpson w/o enclosure

RECEIVED
SEP 25 2008

Department of Water Resources
Eastern Region

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