

Skinner, Corey

From: Randy Budge [rcb@racinelaw.net]
Sent: Wednesday, July 09, 2008 7:34 PM
To: Skinner, Corey; Candice M. McHugh
Cc: Rassier, Phil; Merritt, Allen; Yenter, Cindy; Cooper, Jeff; Peppersack, Jeff; Skaggs, Pam
Subject: RE: Revised Transfer, Map and Narrative

Corey:

This will confirm and authorize the insertion of the substitute pages per Candice McHugh's email below to the original Applications filed under my signature as attorney for North Snake and Magic Valley Ground Water Districts.

Randall C. Budge
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From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Wednesday, July 09, 2008 5:02 PM
To: Candice M. McHugh
Cc: Randy Budge; Rassier, Phil; Merritt, Allen; Yenter, Cindy; Cooper, Jeff; Peppersack, Jeff; Skaggs, Pam
Subject: RE: Revised Transfer, Map and Narrative

I think these changes should allow us to advertise the applications as you propose. As a reminder, since Randy Budge signed the original applications, we should have something from Randy Budge with his signature requesting the changes outlined in your email.

From: Candice M. McHugh [mailto:cmm@racinelaw.net]
Sent: Wednesday, July 09, 2008 4:23 PM
To: Skinner, Corey
Cc: Randy Budge; Rassier, Phil
Subject: Revised Transfer, Map and Narrative

Corey,

Please find attached a revised transfer application; as discussed this morning, please substitute pages 1, 3, and 5 for those same pages in the previously filed transfer. The items that were revised are:

Part 1 – page 1 items 3, 4,
Part 1 – page 3 items 6.c. and 6.d.
Part 2 – page 5 item 10.

I've also included a revised map titled: Points of Use and Place of Use IDF&G Clear Lake Grade Wetlands Mitigation Area. Please substitute the revised map for the map of the same title included with the transfer. This map also needs to be substituted for the map included with the Application for Permit for water from the Snake River.

Finally, I've included a revised narrative titled "Description and Purpose of Applications for Transfer and Permits". Please substitute the revised narrative for the narrative that was attached to the transfer application, the Application for Permit for ground water and the Application for Permit for water from the Snake River.

7/11/2008

If you have any questions, please contact me.

Thanks

/s/

Candice M. McHugh
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**DESCRIPTION AND PURPOSE OF APPLICATIONS FOR TRANSFER AND PERMIT SOURCES
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INTRODUCTION:

Applicants North Snake and Magic Valley Ground Water Districts ("Ground Water Districts") have submitted to the Director of IDWR the attached Mitigation Plan pursuant to Conjunctive Management Rule 43 to provide replacement water to the Snake River Farm water rights sufficient to offset the depletive effect of ground water withdrawal on the water available in the surface or ground water source, with consideration to be given to the history and seasonal availability of water for diversion so as not to require replacement water at times when these rights historically have not received the full supply. Pursuant to the Mitigation Plan water will be delivered directly to the head of the Snake River Farm raceway. The Ground Water Districts have leased from the State of Idaho Department of Fish and Game ("IDFG") pursuant to the attached Lease Agreement Water Right No. 36-4076 for 3.59 cfs with a priority date of January 1, 1893 which will be used as needed for mitigation.

The mitigation water delivered to the head of the raceway discharges from the tail of the raceway and runs into Clear Lake which discharges into the Snake River. The required mitigation water delivered to Snake River Farm is 1.5 cfs in 2008 and 2.0 cfs in 2009 and thereafter, subject to possible change by the Director. Mitigation water from the IDFG right delivered to Snake River Farm will be replaced to the IDFG wetland area by an equivalent amount pumped from the new point of diversion from the Snake River.

The Applicants' first objective is to improve the spring flows under Water Right No. 36-4076 by adding collectors at the spring in order to improve discharges. It is anticipated that these collectors will be to a depth of less than 18 feet which will not require a drilling permit. If the collectors are successful, the Transfer Application discussed below will be pursued and the Application for Permit for the new ground water right discussed below will be withdrawn. If the added collectors do not provide a sufficient supply for mitigation, then the Applicants will drill the new ground water well. Once the source of water can be determined as a part of the well drilling process, the need for any changes and further processing of the Transfer Application and ground water Application for Permit will be further evaluated and determined.

TRANSFER APPLICATION NO. _____:

The purposes of the Transfer Application are several. First, to add to the nature of use "Mitigation" and "Fish Propagation" as alternative uses under the IDFG Water Right No. 35-4076. This is needed to the extent water under Water Right No. 35-4076 is directly supplied by the Ground Water Districts to Snake River Farm for mitigation purposes and because Snake River Farm will use the water for fish propagation in its existing raceways. Second, two additional places of use will be added, the SW NW and NW SW of Section 1, T. 9 S., R. 14 E., which is the Snake River Farm raceway where the mitigation water will be supplied and used for fish propagation purposes. Third, one additional point of diversion will be added near the Snake River Farms raceway in the SE SW NW, Section 1, T. 9 S., R. 14 E. where the collectors will be

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SOUTHERN REGION

located and a well drilled if necessary. Fourth, to the extent that spring water from the Snake River, then two points of redirection from the Snake River may be needed at the NE NE SE and/or NW NE SE, Section 1, T.9.S., R. 14 E. to pump water to the adjacent IDFG wetlands.

The Transfer Application will be used if the point of diversion at the spring sources nearest the Snake River Farm raceway can be improved by adding additional collectors at a depth of less than 18 feet without requiring a well-drilling permit. If is necessary to drill beyond 18 feet, then a drilling permit will be required and filed and the Transfer Application will be utilized provided the source of supply is unchanged. If drilling results in a different source of supply, then the Transfer Application may be withdrawn, and the Application for Permit from the groundwater source will continue to be processed with Water Right No. 35-4076 used for mitigation purposes.

APPLICATION FOR PERMIT NO. _____ - GROUNDWATER:

This Application for Permit is filed as an alternative to the Transfer Application to appropriate ground water for the purpose of providing mitigation water directly to Snake River Farms to the extent necessary if the source of supply is different than the source of supply under Water Right No. 35-4076. In that event the new permit to appropriate ground water will be sought and the use of Water Right No. 35-4076 will be discontinued to the extent necessary to provide mitigation for the use of the ground water under this permit.

APPLICATION FOR PERMIT NO. _____ - SNAKE RIVER:

This Application for Permit is for a new stand alone non-consumptive water right from the Snake River to flow through the IDFG wetlands in an amount equal to any water under Water Right No. 35-4076 used at the Snake River Farms raceway pursuant to the Transfer Application or; alternatively, used to mitigate the new groundwater permit.