

Edl, Michele

From: Heather Carroll [hcarroll@hh1898.com]
Sent: Tuesday, April 01, 2008 5:17 PM
To: Edl, Michele
Subject: FW: SCR water right amendment
Attachments: 37-22251 License.RTF; 37-22250 AmendmentLicense.RTF

Hi Michele,

Hopefully this makes sense to you and is an easy correction. If so, I can quickly turn the revised document.

Thanks,
Heather

From: Erick Powell [mailto:erick.powell@brockwayeng.com]
Sent: Tuesday, April 01, 2008 1:28 PM
To: Heather Carroll
Subject: RE: SCR water right amendment

Hi Heather,

As we discussed on the phone, here are the two licenses for permit # 37-8659 which IDWR split into two water rights 37-22250 and 37-22251. The only correction that we suggest is that the condition of approval for water right license 37-22250 (#5) should be identical to the condition of approval (#4) for water right 37-22251. Specifically it should have the same combination of water rights and the same area of irrigation (198.5 acres).

If you have any questions, please do not hesitate to contact our office.

Regards,
Erick

G. Erick Powell, Ph.D., E.I.T.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
Office: (208) 736-8543
Fax: (208) 736-8506
Mobile: (208) 308-3645
<http://www.brockwayeng.com>
erick.powell@brockwayeng.com

5/27/2008

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-22251

3. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.81 cfs, and the irrigation of 198.5 acres.
5. This right is limited to the irrigation of 91 acres within the place of use described above in a single irrigation season.
6. The volume of water diverted in connection with this right shall not exceed the amount needed to supplement the appurtenant surface water rights for the irrigation of 91 acres, up to a maximum of 318.5 AF of ground water, in years when no surface water is available.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this ____ day of _____, 2008.

Brockway Engineering wants condition 4 from 37-22251 and not condition 5 from 37-22250 on both split rights. The Department can NOT do that.

DAVID R. TUTHILL, JR.
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-22250

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, DAVID R. TUTHILL, JR., of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 37-22250 with the following:

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, and 37-22250 when combined shall not exceed a total diversion rate of 9.81 cfs and the irrigation of 180 acres.
6. The volume of water diverted in connection with this right shall not exceed the amount needed to supplement the appurtenant surface water rights for the irrigation of 34 acres, up the a maximum of 119 AF of ground water.

Witness my hand this _____ day of _____, 2008.

DAVID R. TUTHILL, JR.
Director