

Keen, Shelley

From: Carlsen, Ernie
Sent: Thursday, January 24, 2008 11:37 AM
To: Keen, Shelley
Subject: FW: I need some help with Draft Permit 22-13709

Shelley,

Tony Olenichak has provided some historical data on when 1920 priority rights were cut in Teton Valley for the last 10 years and also stated his prospective on the availability of such a right. The other question of course is whether there is sufficient water in the stream to satisfy the mitigation requirement even when the right is deliverable.

If we accept the mitigation plan then probably the best method for notifying the court is through an NCAP which we can do from here once the right has been modified.

Ernie Carlsen
Water Resource Program Manager
(208) 525-7161

From: Olenichak, Tony
Sent: Thursday, January 24, 2008 10:59 AM
To: Carlsen, Ernie
Subject: RE: I need some help with Draft Permit 22-13709

Ernie,

Here's when the 1920 priority was cut on tributaries to the Teton River the past 10 years:

YEAR	DATE 1920 PRIORITY CUT
2007	May 10
2006	June 21
2005	June 26
2004	April 18
2003	April 30
2002	May 5
2001	April 22
2000	May 14
1999	July 11
1998	July 14

Water District #1 does not have records of when diversion 22-13247 has begun diverting water each year. It appears in at least half the years (shown above) the 1920 water right would have had little usage because irrigation in the Upper Teton Valley starts later than in most other areas in the district due to climate and higher elevation in the Teton Valley. In the wettest of years, the 1920 priority could be used up until the second week of July. In very dry years, it may not be used at all.

Tony

From: Carlsen, Ernie
Sent: Thursday, January 24, 2008 8:57 AM
To: Olenichak, Tony
Subject: FW: I need some help with Draft Permit 22-13709

Tony,

Shelley Keen has requested some guidance in approval of permit application 22-13709. The applicant has offered to use a portion of 22-13247 for mitigation. This right is from an unnamed stream in the swamp area about one and half miles SW of downtown Driggs. The priority date is 1920. How often and for how long is this right available in a normal years.

Ernie Carlsen

Water Resource Program Manager

(208) 525-7161

From: Keen, Shelley

Sent: Wednesday, January 23, 2008 5:55 PM

To: Carlsen, Ernie

Subject: I need some help with Draft Permit 22-13709

Ernie,

I hope you're having a good week off. When you've settled back in, here's a permit I'm hoping you can help with.

I've attached a (much delayed) draft permit for 22-13709. I need some help with a couple of items. The first is that they've offered Recommendation 22-13247, a child of 22-685, for mitigation. It has a 1920 priority date. Is that priority any good, or are they offering to mitigate with a right that is rarely available? Can you check with WD01?

Also, assuming the mitigation is okay, then we'll need to change Recommendation 22-13247 as described in condition no. 6. What will be the best way to do that without getting crosswise with the court? A notice of administrative process?

Shelley

<< File: 22-13709 Draft Permit.doc >>