

Marshall, Aaron

From: Keen, Shelley
Sent: Wednesday, November 14, 2007 12:42 PM
To: Marshall, Aaron
Subject: RE: City of Blackfoot Permit # 27-7577

Aaron,

Rob Harris's proposal is okay. Let's retain the condition limiting the volume to 4.0 AF **at the field headgate**. Let's also use condition X56 for both rate and volume. Please document the water right file by adding this email to it.

You may be able to speed up the amendment process by having Rob Harris cross out the original volume number and write 1457.0 in its place. That way he won't have to wait for you to send him a revision.

Shelley

-----Original Message-----

From: Marshall, Aaron
Sent: Wednesday, November 14, 2007 11:31 AM
To: Keen, Shelley
Subject: FW: City of Blackfoot Permit # 27-7577

Shelley,

Rob Harris, representing the City of Blackfoot, sent me the message below regarding the licensing amendment for 27-7577, which I sent to the City for the irrigation of 282.3 acres with a diversion rate of 7.28 cfs and a maximum annual volume of 1,129.2 acre-feet (4.0 acre-feet per acre). The City provided evidence that more than 7.28 cfs (permitted flow rate) is necessary and has been used to deliver water to the place of use. This flow rate is 29% greater than one miner's inch per acre. Rob suggests increasing the maximum annual diversion volume by 29% over 4.0 acre-feet per acre for a total of 1,457 acre-feet. The increased volume would allow for conveyance loss to the place of use. Based on Administrator's Memorandum License Processing No. 6, I think the proposal would be acceptable. What are your thoughts? Thanks.

--Aaron

-----Original Message-----

From: Rob Harris [mailto:rharris@holdenlegal.com]
Sent: Wednesday, November 14, 2007 10:02 AM
To: Marshall, Aaron
Cc: Carlsen, Ernie
Subject: City of Blackfoot Permit # 27-7577

Aaron:

We have had an opportunity to meet with the City of Blackfoot concerning the proposed license you provided to us. At the meeting, both the water users and the City expressed some concern that the volume amount of 4.0 AFA/acre was not quite enough for irrigating the 282.3 acres of land because of conveyance loss. After discussing this issue with them, we propose that the license be amended to have a volume cap of 1,457 AFA. We arrived at this number by taking the cfs/acre amount proposed for the license (7.28 cfs) and divided it by the number of acres (282.3). This yields 1.29 miner's inches per acre, or .0258 cfs/acre. We propose that the volume limitation be increased in proportion to the increase allowed for the diversion rate (29%). If this is done, then the volume limitation will be 1,457 AFA. The evidence supporting the conveyance loss has been provided to you previously as to the diversion rate, but if any additional information is requested, please let us know. There is still some concern that this volume limitation may not be enough, but we think this is the best that can be done under the circumstances. Even though there is a concern that even the increased volume will not be enough, we believe that once the transfer is made, the 1,457 AFA volume will be adequate.

Let me know your thoughts on this proposal. If it is acceptable to you, we will promptly sign any necessary

11/29/2007

licensing documents and finalizing this matter. I will wait to hear from you regarding our proposal.

Thanks,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email to the sender or collect telephone call to (208) 523-0620. Thank you.

11/29/2007