

Keen, Shelley

To: harriet.hensley@ag.idaho.gov
Subject: RE: ARkoosh water right-little wood river

Harriet,

Good quesitons. We are assuming that IDFG doesn't want the stream de-watered, so minimum flows would be instantaneous, not averages. We could probably try to make that more clear. If the flows are not met, Water District 37 will have to manage the diversion to see that the flows are met. IDFG could ask the water district to enforce the minimum flows. If the minimum flows still are not enforced, then IDFG can petition IDWR to work with the water district to enforce the provisions of the permit.

At this point I am working on an approval concept and trying to get feedback from you, Scott, the applicant, etc. It is not routine for IDWR to route all permit approvals to legal staff for review. However, it will probably be a good idea to do so for this one. Are there specific legal issues you want to discuss?

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-287-4947
shelley.keen@idwr.idaho.gov

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

From: harriet.hensley@ag.idaho.gov [mailto:harriet.hensley@ag.idaho.gov]
Sent: Monday, August 08, 2005 2:00 PM
To: Shelley.Keen@idwr.idaho.gov
Subject: ARkoosh water right-little wood river

I've quickly reviewed the water right terms you forwarded to Scott Grunder--thanks for working on this. The bypass flows--daily average or instantaneous? If the utility fails to maintain the flows what recourse does IDFG have? I will take another look at the draft and forward suggested revisions. I assume IDWR attorney is looking at this as well?

Harriet A. Hensley
Deputy Attorney General
Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010
Phone: (208) 334-4543
Fax: (208) 334-2690
e-mail: harriet.hensley@ag.idaho.gov