

Marshall, Aaron

From: Olenichak, Tony
Sent: Wednesday, November 28, 2007 11:30 AM
To: Marshall, Aaron
Cc: Swank, Lyle; Murphy, Wendy
Subject: RE: WR# 23-11333, watermaster certification of storage water rental

Aaron,

Tom Summers rented 50.5 acre-feet of storage for his diversion on Little Pine Creek on June 5, 2007 to be used during the 2007 irrigation season. (Note: Condition #6 should be changed from "By March 1 of each year..." to "Prior to diverting water each year..." because Water District #1 doesn't begin accepting rental applications until April 1st of each year, and typically it isn't known if the application will be approved until sometime after that date.) Wendy Murphy could not find any record of renting or assigning storage water to Tom Summers' Little Pine Creek diversion for the 2006 irrigation season.

Tony Olenichak
Program Manager
Water District #1

From: Swank, Lyle
Sent: Wednesday, November 28, 2007 9:54 AM
To: Marshall, Aaron
Cc: Olenichak, Tony; Murphy, Wendy
Subject: RE: WR# 23-11333, watermaster certification of storage water rental

Aaron,

I am leaving for the IWUA law seminar this morning, so I will forward this to Tony and Wendy to follow up.

Lyle

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

From: Marshall, Aaron
Sent: Wednesday, November 28, 2007 8:11 AM
To: Swank, Lyle
Subject: WR# 23-11333, watermaster certification of storage water rental

Lyle,

I am reviewing water right no. 23-11333 for licensing and need to check with you to ensure the permit holder has complied with a certain permit approval condition.

Condition of approval no. 6 states, "By March 1 each year the right holder shall obtain the expressed written certification of the Water District No. 01 watermaster that the right holder has rented and assigned stored water for release by the watermaster into the Snake River or a tributary to mitigate for depletion of river flow resulting from diversion of Little Pine Creek under this right. The amount of stored water required for mitigation shall be determined by the department based on the anticipated consumptive use for the year. Diversion and use of water without the written certification of the watermaster shall be a violation of Section 42-351, Idaho Code."

Did the right holder obtain your expressed written certification prior to March 1, 2006, and March 1, 2007, that he had rented and assigned stored water for release by the watermaster into the Snake River or a tributary for mitigation?

Please let me know as soon as possible. Thank you.

Aaron Marshall
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