

Merritt, Allen

From: Gibson, Deborah
Sent: Friday, September 21, 2007 11:28 AM
To: Merritt, Allen
Subject: FW: Certification of service

Allen,

Does their formal requests merit a response for clarification? If so, will your response be issued before the 25th? They will need time to analyze your response to consider filing a petition for reconsideration?

I spoke to Kathy yesterday and suggested that a formal request could be considered by you, and a response more likely to be issued. I suggested this because Gary had contacted her, but she could not reach him because he is out of the office until Monday, 9/24.

Debbie

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

From: Kathy Gliksman [mailto:kathleen1387@cox.net]
Sent: Friday, September 21, 2007 11:04 AM
To: Spackman, Gary; Gibson, Deborah
Subject: Fw: Certification of service

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

From: Leslie May
To: Allen Merritt ; Kathy ; Jock Slavin ; Alan Bittner ; Carol Kingston ; Mulkeys ; Hawkins ; T Thompson ; David.Tuthill@idwr.idaho.gov
Sent: Friday, September 21, 2007 9:30 AM
Subject: Certification of service

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

From: Kathy Gliksman
To: Kathy Gliksman ; Merritt, Allen
Cc: Jock Slavin ; Bittner ; Carol Kingston ; Gary/Dani ; lhawkins@ida.net ; Tommy Thompson ; Gibson, Deborah ; Spackman, Gary ; David.Tuthill@idwr.idaho.gov
Sent: Thursday, September 20, 2007 7:09 PM
Subject: Re: Request for Clarification of Preliminary Order

Mr. Merritt,

I see from the documents sent to you by Kathy Gliksman that I did not frame my clarification questions in the proper format so I am resubmitting my letter as a certification of service.

I hope this fulfills the requirements needed for a clarification response.

Thank you
Leslie May Shumate

9/24/2007

Mr. Allen Merritt
State of Idaho
Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, Idaho 83301-3380

Re: Preliminary Order for Amendments of Permits 75-7052 and 75-7589
Petition for Clarification

Dear Mr. Merritt,

Under Rule 770 of the Rules of Procedure of the Idaho Department of Water Resources, "Any party or person affected by an order may petition to clarify any order, whether interlocutory, recommended, preliminary or final." I believe that in the case under consideration rule 770 carries an expectation that the author of the decision should be the one to answer questions regarding clarity and I am therefore submitting the following questions to you.

1. As a Lake Creek senior water right holder I would like a more specific definition of "a measuring device of a type approved by the Department." Since past department inspectors have been quoted by the Williams Lake Water Board as saying a bucket and a stop watch is all that's needed...I find the "type approved by the Department" to be far too vague. Is there an official list showing what measuring devices are acceptable to the department and if so where might I find it, or could it please be supplied?
2. The Water Board has quoted 0.21 as being approximately 120,000 gallons per day and has said that currently only about 10,000 gallons of that amount is being used per day. The Board has further stated that the present delivery system could not possibly pump 120,000 gallons per day. I therefore question why the Bureau of Land Management has been given additional water usage over and above the 0.21 since currently there appears to be plenty of excess water for all needs.

I am referencing "...ordered that the use of water for the BLM campground is not incorporated as a use pursuant to right 75-7589 and shall be dealt with as a separate matter under licensing of permit 75-7638 in the name of BLM."

This in effect is granting permission for the taking of an additional and unspecified amount of water from the springs located above Lake Creek water right claimants and it puts no limit on how many additional gallons can be taken. It also makes no mention of monitors to measure how much water is being used by the BLM or any other form of accountability.

My specific clarification questions would be, why was this added to the order and has a separate permit been issued? If the agency requested a separate water right the request

was not made during the public hearings or disclosure period. If, as indicated, permit 75-7638 has been granted was the application duly advertised and open for public comment?

Thank you
Leslie May Shumate