

## Keen, Shelley

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**From:** Travis Thompson [tlit@idahowaters.com]  
**Sent:** Wednesday, August 15, 2007 11:11 AM  
**To:** Keen, Shelley  
**Cc:** Mike Mason  
**Subject:** RE: CSI Licenses

Shelley,

CSI is authorized to divert 6.0 cfs with both rights when needed. CSI does not divert water for heating when it is not needed. The condition appears to be a limitation that would allow IDWR to reduce CSI's diversion rate at some point in the future to something that is less than what is stated on the license, i.e. (IDWR could reduce the rate and then claim CSI never had a right to divert 6.0 cfs because it "exceeds" what is "reasonably necessary for the beneficial use" authorized by the right). The problem is heightened now because the condition has been removed from 47-7606. Is there any reason to keep it on 47-7478 other than to have it apply to the fish propagation use?

Thanks,

Travis

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**From:** Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]  
**Sent:** Wednesday, August 15, 2007 10:56 AM  
**To:** Travis Thompson  
**Subject:** RE: CSI Licenses

Travis,

While the condition originally was created for use on fish propagation rights, we think the concept is applicable to heating uses as well. Can you explain why it should not be applied to water rights for heating purposes?

Shelley Keen  
Idaho Department of Water Resources  
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-----Original Message-----

**From:** Travis Thompson [mailto:tlit@idahowaters.com]  
**Sent:** Wednesday, August 15, 2007 10:59 AM  
**To:** Keen, Shelley  
**Cc:** Mike Mason  
**Subject:** RE: CSI Licenses

Shelley,

As explained in my letter CSI did not object to the condition as it related to the fish propagation use and that was my understanding of the genesis of the condition, on aquaculture rights. I can provide a formal request explaining the reasons if necessary. If it does not apply to heating it should be clarified and so stated on 47-7478. This would be consistent with the revision to 47-7606 (a heating only right). Please advise.

8/15/2007

Thanks,

Travis

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**From:** Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]  
**Sent:** Wednesday, August 15, 2007 10:45 AM  
**To:** Travis Thompson  
**Subject:** RE: CSI Licenses

Travis,

Gary was very concerned that your letter did not provide a rationale for your request, and he did not see the disadvantage to having the condition on either of the rights. He signed the change to 47-7606 only very reluctantly. Can you provide a reason for your request?

Shelley Keen  
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-----Original Message-----

**From:** Travis Thompson [mailto:tth@idahowaters.com]  
**Sent:** Wednesday, August 15, 2007 10:38 AM  
**To:** Keen, Shelley  
**Subject:** CSI Licenses

Shelley,

I received your letter re: 47-7606, were you going to send a separate letter re: 47-7478? My July 25<sup>th</sup> letter applied to both licenses and requested clarification that the condition on 47-7478 be limited to the fish propagation use.

Thanks,

Travis

8/15/2007