

Skinner, Corey

From: Skinner, Corey
Sent: Friday, March 24, 2006 2:57 PM
To: 'J. R. "Jack" Challis'
Cc: Merritt, Allen
Subject: RE: Application For Transfer No. 72607

Jack,

The application proposes a new point of diversion located within the NESWNW of Section 3 (T14N, R18E) as described on item B4 on the first page of the application. This is the same legal description ("quadrant") as the existing point of diversion (A0002588) you share with Wegner. As you noted, the color map included with the application identifies the new, proposed, point of diversion as being upstream of the existing point of diversion (A0002588). When the application was originally submitted to our office (January 18th) it was a little ambiguous whether or not the application was describing a new diversion or not (the issue you raise in your first paragraph). I discussed the proposed location with Ms. Wegner &/or Gary Thor in an effort to further clarify the location of the proposed diversion and returned their application with the color map, so that they could identify the location as closely as they could. It sticks in my mind that they indicated that they would be working with the Idaho Department of Fish & Game to determine the exact location due to potential fish screening requirements. However, they indicated that the proposed diversion would definitely be upstream of the existing point of diversion (A0002588), but would fall within the same legal description. Examination of GIS software here at the office indicates that as described on the application, the proposed point of diversion could potentially be anywhere from 0.0 to about 450 feet upstream of the existing point of diversion (A0002588) and still fall within the legal description described on item B4 on the first page of the application.

The Department requires that proposed diversion points be described down to a 40-acre tract legal description on a transfer application (unless the source is a spring, which has to be described down to a 10-acre tract legal description). In this case, Wegner described the point of diversion down to a 10-acre tract legal description, which is actually a more refined description than what is required (40-acre tract legal description).

There was no copy of any "agreement" as mentioned in the Remarks / Attachment A of the application included with the application. With regards to a transfer application, the "why" someone wants to change something really does not matter, as long as the application satisfies the criteria outlined in 42-222, IDAHO CODE. Quite often, the Department processes and approves transfers that involve changing point of diversion &/or place of use locations for a variety of reasons, some of which are due to some agreement between parties that the Department is never involved with. So to borrow your statement, "the relevance of its existence may, for all practical purposes, be moot."

Anyways, hopefully this addresses the items that you have raised. Let me know if you need anything else.

Corey

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

From: J. R. "Jack" Challis [mailto:Jack@RandRforHorses.com]
Sent: Wednesday, March 22, 2006 10:41 PM
To: Skinner, Corey
Subject: RE: Application For Transfer No. 72607

Corey:

On the first page of the application under "Describe the reason for the proposed changes" in

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states: "See Enclosed A".

On "A" it states in part, "The diversion would be located in or near the same quadrant at a point at/near the IDWR Approved Existing Diversion - -", etc. If the new diversion is to be in the same quadrant I have no concern with that issue. However, if it is to be in a different quadrant that quadrant would need to be so specified, right? Ms. Wegner continues, "at/near the IDWR Approved Diversion". If it were "at" the current diversion location (GPS I.D. No. A0002588) why would there be a need for a transfer? We, of course, both know I use Diversion A0002588 with no foreseeable intent to change it from the current flood type to a pipe feed configuration. Therefore it cannot be "at" the current location and the subject application should so indicate such. This is, in fact, what is depicted on the color map (the last item attached to the documents provided to me) which specifically identifies a "NEW DIVERSION POINT" completely separate and obviously some distance upstream from Diversion No. A0002588. Perhaps at least an approximation of the distance upstream in the application might be advisable so all can be assured this transfer and the proposed installation of such totally separate diversion will not be a detriment to the existing diversion (A0002588).

On page two under "Remarks" it is stated, "Insertion into pipe is mandated by a water rights agreement filed in the SRB Adjudication." Was this document identified and/or provided? I can find no such document in the file you provided me or in the SRBA record. Frankly, I would like to see this document though with regard to the transfer, the relevance of its existence may, for all practical purposes, be moot.

Your assistance in getting the foregoing appropriately defined and obtaining the referenced document (if it exists) will be greatly appreciated. Upon receipt I will complete the Recommendation Of Watermaster form provided by your office and return same as dictated by Statute 42-222.

Jack

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

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Wednesday, March 22, 2006 10:11 AM
To: Jack@RandRforHorses.com
Cc: Merritt, Allen
Subject: FW: Application For Transfer No. 72607

Jack,

Allen asked that I find out what needs to be clarified regarding the application? Let me know, and I will attempt to get whatever clarification that you are after.

Corey

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

From: Merritt, Allen
Sent: Wednesday, March 22, 2006 10:03 AM
To: Skinner, Corey
Subject: FW: Application For Transfer No. 72607

Please contact Jack and see what clarification needs to be made then you should contact the applicant.

Allen

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

From: J. R. "Jack" Challis [mailto:Jack@RandRforHorses.com]

Sent: Wednesday, March 22, 2006 9:26 AM

To: Merritt, Allen

Cc: Foster, Bob

Subject: Application For Transfer No. 72607

Allen:

I was sent the subject transfer application with the standard IDWR Recommendation Of Watermaster form. In reviewing the application I would need further clarification in order to make a completely informed reply/recommendation. Do you want me to address my questions to you (IDWR) and you, in turn, to Ms. Wegner or would you prefer I write her (with a copy to you) for such clarification?

Jack