

Nelson, Dan

From: Nelson, Dan
Sent: Friday, February 20, 2004 3:03 PM
To: 'Michael C. Creamer'
Cc: Daniel Steenson
Subject: RE: Eureka Water Transfer

Dear Mr. Creamer,

The information you provided in your email will be sufficient to show where the lands will be retired to allow for the groundwater recharge use requested in the Eureka Water Company transfer. Although this information will not change the borders of the canal company, it will provide adequate information to show where the lands within those borders will no longer be used to allow the proposed transfer to go forward with processing.

During the data entry process, our office discovered that you placed the point of diversion for the transferred portion of the water right in the SWNENW Section 24, Township 4N, Range 1W. This legal description was based off the adjudication claim supplied by Eureka Water Company. During the review of this adjudication claim by Mel Schulte, Mr. Schulte discovered that the actual location of the point of diversion is Government Lot 6, NWSENE, Section 24, Township 4N, Range 1W. Mr. Schulte's review was not available when you first filed the application for transfer, so I have corrected the legal description for the point of diversion to match Mr. Schulte's review in our database records. Mr. Schulte has been working with Eureka Water Company and their attorneys Ringer Clark, and they are aware of this correction in the recommendation. There is no need to correct the transfer form at this time, but I wanted to let you know that this will be corrected in our database and in the advertising of the transfer to avoid possible confusion.

Thank you so much for time and effort. Our office has completed the initial review and data entry for this application. It will be forwarded to Cynthia Bridge Clark at our State Office for final review before advertising. Ms. Clark will review the application and determine if there is any additional information that will need to be addressed for the permit applications, and to determine if the application is acceptable to proceed with advertising. Once the application is sent to advertising, it will take approximately six weeks to advertise and complete the protest period. If the application is not protested, you should receive the approval/denial decision from the state office within the next three to four weeks depending on their schedules.

If you have any questions, please don't hesitate to contact me.

Respectfully,

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources

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

From: Michael C. Creamer [mailto:mcc@givenspursley.com]
Sent: Thursday, February 19, 2004 8:08 PM
To: dnelson@idwr.state.id.us
Cc: Daniel Steenson
Subject: Eureka Water Transfer

Dan:

Per our telephone discussion yesterday concerning which quarter-quarters should be used to allocate the acres of ponds and/or "dry up" acres to to make the 8.1 acres, here is what should be done:

3.5 acres of pond surface area in the NE1/4, NE1/4 Section 20 will be mitigated by 3.5 acres of conversion from historically irrigated acres to ponds in the NE1/4,NE1/4 Section 20 (i.e, the same acres as the ponds in that quarter-quarter)

1.0 acre of pond surface area in the SE1/4, NE1/4 Section 20 will be mitigated by 1.0 acre of conversion of historically irrigated acres to ponds in the SE1/4,NE1/4 Section 20 (i.e, the same acres as the ponds in that quarter-quarter)

2.6 acres of pond surface in the SE1/4, SE1/4 Section 17 will be mitigated by 2.5 acres of conversion of historically irrigated acres to ponds in the SE1/4,SE1/4 Section 17 (i.e, the same acres as the ponds in that quarter-quarter)

1.0 acre of pond surface in the SE1/4, SE1/4 Section 17 (within canal company service area but not historically irrigated) will be mitigated by 1.0 acres of conversion from historically irrigated acres to roadway or other impervious, developed surfaces within the SE1/4, SE1/4 Section 17.

Total acres of mitigation = 3.5 acres in NE1/4, NE1/4 Section 20
1.0 acres in SE1/4, NE1/4 Section 20
3.6 acres in SE1/4, SE1/4 Section 17

Total transfered acres = 8.1

I hope this is sufficient to proceed with the transfer. If you require any further information, please let me know immediately.

Sincerely,

Mike Creamer