



State of Idaho

DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 18, 2003

Charles G. Brockway:
Brockway Engineering
2016 North Washington Street
Suite 4
Twin Falls, ID 83301

Dear Mr. Brockway:

This letter reiterates our conversation that we had regarding the Diamond A Livestock transfer application that you recently filed with our office. The application proposes modifying three existing water rights, 37-228, 37-229, and 37-2147, diverted from Corral Creek northwest of Fairfield. As we discussed, our office needs further clarification regarding several items before processing of the application can continue.

The main item of concern relates to the application proposing to dry up 2.5 acres worth of irrigation to allow the development of an irrigation storage pond. You indicated that the pond would impound 22 acre-feet of water and evaporative losses from the pond amount to 6.23 acre-feet per year. Therefore, the total annual water used by the pond would be 28.23 acre-feet, assuming the pond is filled once per year. Using a consumptive use allowance of 2.5 acre-feet per acre, the 2.5 acres to be dried up would provide 6.25 acre-feet of water, well short of 28.23 acre feet per year.

On a side note, some sort of justification for using a 2.5 acre-foot per year consumptive use allowance needs to be provided. For transfers that propose changing the nature of use of an irrigation right, the irrigation requirement for the historical crop on the property serves as the allowable conversion factor. For primary irrigation right conversions, the historical crop that provides the highest conversion factor can be used, but evidence that that particular crop has been grown on the property must be included with the application.

The application does not provide much detail regarding the proposed irrigation storage pond. The location of the pond needs to be indicated on the map that is included with the application and also indicated on the description of the proposed place of use on the first page of the application. Further information regarding the proposed size, in particular the height of the embankment, of the facility should be included. This information

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determines whether or not dam safety conditions will need to be included in the possible approval of the transfer. Please note that if the pond embankment has a hydraulic height of 10 feet or more, the structure will be subject to Dam Safety regulation. In addition, if the pond has a return channel to the creek, a stream channel alteration permit may be required for the construction of the return channel's discharge into the creek.

I encourage you to address these items as soon as possible to prevent further delays in the processing of the application. Please note that if these items are not addressed within 30 days, the application may be rejected. If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner, PE
Water Resource Engineer