

Cefalo, James

From: Cefalo, James
Sent: Monday, October 23, 2023 10:57 AM
To: 'Rohn Nelson'; Robert L. Harris
Cc: rb57-47@hotmail.com; Henman, Christina
Subject: RE: Byers protests

Mr. Nelson,

Thank you for your email. You have asked the Department to issue written watermaster instructions prior to your withdrawal of protest. Written watermaster instructions are quite rare and are usually only employed to address ongoing, complicated water delivery issues. Written watermaster instructions are not used to address theoretical or potential delivery concerns. As far as I know there have not been any water delivery issues on Wimpey Creek in the last 25 years. In your hearing a couple of months ago, Rick Sager (previous watermaster) and Lacey French (current watermaster) testified that they have not been called upon to address any water delivery disputes on Wimpey Creek. In the absence of an ongoing or regular delivery call, the Department will not issue watermaster instructions.

It appears that your condition of withdrawal of protest cannot be satisfied. Therefore, we will move forward with an administrative hearing for the protested applications. I will ask our administrative assistant, Christina Henman, to schedule a pre-hearing conference where we can set a hearing date and pre-hearing deadlines.

James

James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

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

From: Rohn Nelson <fullcurl@mtaonline.net>
Sent: Friday, October 13, 2023 4:27 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Robert L. Harris <rharris@holdenlegal.com>
Subject: Byers protests

Mr. Cefalo,

I would be willing to withdraw my protest of Ronald Byers water right permit applications only upon confirmation that IDWR and/or the local watermaster will be the arbiter of how "The Y" and LWMP1 Old Location are manipulated to ensure that all of the water users can maximize the water and insure, that to the extent available, all water users have their available water under their water rights. If there is a dispute, IDWR agrees that it will get involved to determine how to best manipulate those flows. The preferred format would be water master instruction My willingness to withdraw my protests would be contingent on that.

Respectfully,

Rohn Nelson

Cefalo, James

From: Cefalo, James
Sent: Tuesday, October 3, 2023 10:32 AM
To: fullcurl@mtaonline.net
Cc: rb57-47@hotmail.com
Subject: Applications for Permit 74-16468 and 74-16469 (Byers)
Attachments: Withdrawal of Protest Form.pdf

Mr. Nelson,

Attached is a withdrawal of protest form. During the conference this morning, you agreed to notify me on or before October 13, 2023, that the protests against Applications 74-16468 and 74-16469 are withdrawn or that the issues of protest have not been resolved. Feel free to contact me if you have any questions.

James

 IDAHO DEPARTMENT OF
WATER RESOURCES
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