

Roda, Evan

From: Candice McHugh <cmchugh@mchughbromley.com>
Sent: Friday, September 4, 2026 1:06 PM
To: Rammell-O'Brien, Lacey; Roda, Evan
Subject: RE: Hawley

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Thank you. There are multiple systems and pipes in each of the cabins and buildings. I will forward this to my client for their information.

From: Rammell-O'Brien, Lacey <Lacey.Rammell-OBrien@idwr.idaho.gov>
Sent: Thursday, September 3, 2026 4:30 PM
To: Candice McHugh <cmchugh@mchughbromley.com>; Roda, Evan <Evan.Roda@idwr.idaho.gov>
Subject: RE: Hawley

Hi Candice~

Thanks for the poke, sorry this took so long to send.

IDWR has received and reviewed the proposed changes from your clients. IDWR understands the following requests for changes: the removal of combined 13k gpd diversion rates (7102 and 9808; 9078 and 9809), the addition of a combined ½ acre irrigation limit (9078 and 9809), and the removal of the shared POD (9078 and 9809). Lastly is the request to remove the limitation of external use on 9808.

IDWR does not have evidence that irrigation occurred on the property around 9809 and 9078. There is likewise no evidence that 9809 and 9078 are using water separately from each other due to their proximity. IDWR would need evidence (and subsequent investigation) of separate diversion works for each cabin before it can remove the shared POD remark. Further, IDWR does not have evidence sufficient to consider removal of the combined use limit on the two pairs of water rights. With two domestic uses so close together, without evidence of separate diversions, IDWR believes the limitation is appropriate. Recommending two adjacent 13k gpd water rights would be an enlargement of the use on two small cabins. If your client wants the combined 13k daily limits removed from the de minimis water right recommendations, then they can file the non-de minimis claim form and pay the additional fee, which will require IDWR to make a determination of historical use in relation to the capacity of the current diversion works. In reviewing the files, IDWR thinks this may result in less water recommended overall but that may not be the case.

For 7102 and 9808, the evidence IDWR currently has reflects a common diversion system historically used for irrigation (one 3 hp pump moved around the creek to irrigate with hoses). Removing the combined POD remark would result in an enlargement of use.

On the removal of the "external use only" on 9808, the evidence currently available to IDWR shows a collapsed structure that doesn't appear to have internal beneficial use. Pursuant to the license in 7102, which stated that use was in place prior to the filing for permit, there is one acre of garden irrigation and stockwater observed on

field exam, so 7102 is in place even after the collapse of the house. It is IDWR's position that the overlap between 7102 and 9808 and lack of evidence that there is any internal use occurring in 9808 requires both the "external use" limitation and the combined diversion limitation remarks.

Ultimately, there is a lack of evidence for IDWR to make the changes requested by the claimants. Before these changes could be made through an SF5/SF5 Amend, IDWR would either need to see additional evidence not currently available or would need to conduct a site visit to the property to evaluate the conditions on the ground. We don't have a lot of options between now and Tuesday for a discussion as Evan is out of the office, but I can set something up for afterwards if more discussion is needed.

Thanks,
-Lacey-



Lacey Rammell-O'Brien | Deputy Attorney General
Water Resources Section | Energy and Natural Resources Division
Office of the Attorney General | State of Idaho
Lacey.Rammell-OBrien@idwr.idaho.gov | O: 208-287-4812

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From: Candice McHugh <cmchugh@mchughbromley.com>
Sent: Tuesday, September 1, 2026 2:43 PM
To: Rammell-O'Brien, Lacey <Lacey.Rammell-OBrien@idwr.idaho.gov>; Roda, Evan <Evan.Roda@idwr.idaho.gov>
Subject: Hawley

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Just wanted to touch base on where you are with reviewing our offer in Hawley. Next week is a status conference.

Candice M. McHugh

M^{CHUGH} BROMLEY
ATTORNEYS AT LAW PLLC

PO Box 107

Boise, ID 83701

(208) 287-0991 – office

(208) 287-0864 – facsimile

cmchugh@mchughbromley.com

<http://www.mchughbromley.com>

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