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To: [Hersley, Jean](#); [Hummer, Phill](#); [Jenkins, Megan](#)
Cc: jrigby@rex-law.com; sjohns@olsentaggart.com; [Dylan Anderson](#); ["William A Parsons"](#); [Andy Waldera](#); [Elisheva Patterson](#)
Subject: RE: Beneficial Use Examination Rules
Date: Monday, July 1, 2024 9:43:07 AM
Attachments: [image001.jpg](#)

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Hi Phill & Megan,

I may not be able to participate in the July 22 meeting, so I am sending you my comments on the revised Beneficial Use Examination Rules in advance.

Overall, great job! My only comment is that I believe rule 35.01.i.ix should apply to all groundwater recharge rights, not just IWRB rights, for a couple reasons. First, groundwater recharge uses natural stream flow diverted and measured through canal diversions which do not require volume measurements per rule 35.01.i.viii. Second, it is inconsistent with the equal protection clause of the United States Constitution to hold private recharge rights to a higher standard than IWRB recharge rights.

Thanks,

T.J. Budge

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From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Monday, July 1, 2024 7:27 AM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Cc: Jenkins, Megan <Megan.Jenkins@idwr.idaho.gov>
Subject: Beneficial Use Examination Rules

Attached you will find a redline and clean version 2 of the Strawman for the Beneficial Use Exam Rules. Please submit any comments to rulesinfo@idwr.idaho.gov by July 12, 2024.

The second public meeting will take place on July 22, 2024, at 9:00 am MT at the Idaho

Department of Water Resources, State Office, 322 E Front St, Boise, Idaho. Or you may contact Jean Hersley at jean.hersley@idwr.idaho.gov for WebEx log in information.



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