

April 9, 2002

BRAD CHRISTENSEN
4330 BANNOCK HWY
POCATELLO ID 83204

RE: Snake River Basin Adjudication (SRBA) claims 29-04188 and 29-13166.

Dear Brad,

I reviewed your information packet that I received on February 22, 2002 and there are a couple of issues that need to be addressed.

Issue 1:

There seems to be some confusion on the numbering system of the water rights. SRBA claim 29-04185 was originally filed by McIntosh for 12 acres of irrigation with a diversion rate of 0.24 cfs. When your father filed the Notice of Change in Water Right ownership with IDWR, that claim was split into 29-13165 and 29-13166. In the case of a split, IDWR standards assign the lower of the two numbers to the original claimant and the second number to the new owner. In your letter there was some confusion about who's name should be on which claim. Enclosed is a copy of the split history of 29-04185.

Issue 2:

In referring to 29-13166, you mentioned that the right should be recommended for 6 acres of irrigation rather than 5. My records along with the statement you provided indicate that W. J. Christensen purchased 5 acres of irrigated land from McIntosh. Thus the claim was split to represent 5 acres of water right.

Here are the issues I have with the request for the additional acreage. First of all, to recommend 6 acres the claim needs to be amended. Second, the five acres of irrigation under this claim are based on historical acreage irrigated. For me to recommend the 6 acres, I need to have evidence that that acreage was historically irrigated under McIntosh's original water right. From our conversation, it sounds like your "tree" project along the river is a fairly new development. If irrigation of that acre started after 1987, by state statutes, I cannot recommend that as part of your historical water right.

None-the-less, I have enclosed an amended claim. For me to support that additional acre, I need some evidence that it was irrigated by the McIntosh's. If your father chooses to amend the claim, he will need to sign the claim in front of a notary and return it to me with the above mentioned evidence. This evidence is going to need to show that the area between the pasture and the river was irrigated.

Issue 3:

You mentioned that your father needed more than 1 inch per acre under claim 29-04188. In your correspondence you stated, "If you take into account the configuration of the property, in that the North East Corner of a narrow long 7 acre parcel is the only access to the Portneuf River and that water must be pumped over a quarter of a mile...". I interpret your statement as meaning you need to account for ditch loss. IDWR only considers ditch loss from the point of diversion (POD) to where the ditch enters the irrigated place of use (POU). Since your father pumps directly from the Portneuf River to the irrigated POU I cannot account for ditch loss.

The other option is for you or an engineering contractor to complete the Irrigation Flow Rate Questionnaire (enclosed) and return it to this office. I will then pass it on to one of the IDWR engineers and have them analyze it to see if IDWR can support an increased diversion rate. If you choose this option, please return the completed form by May 10, 2002.

I apologize that I do not have better information for you. However, keep in mind that I am not the final say on the water right. If I am required to make a recommendation that you disagree with, you may file an objection and be heard by the SRBA court.

As always, feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Split History for 29-04185

2 of Splits = Parent Claim

