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DEPARTMENT OF
WATER RESOURCES

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June 2, 2005

Susan Hamblin Nygard
Deputy Attorney General
Department of Water Resources
The Idaho Water Center
322 E. Front St.
P. O. Box 83720
Boise, ID 83720-0098

RE: **Burley Irrigation District SRBA Claims to
Water Right Nos. 01-0211B, 01-0214B, and 01-0007**

Dear Susan:

As we discussed over the telephone, most of the issues involved in the above claims have been resolved. For instance, it has been agreed by Burley Irrigation District to accept 47,818 acres within its place of use, even though many of its records show the project with 48,000 to 49,000 irrigable acres. Issues unresolved include the quantity of the natural flow rights under 01-0211B and 02-0214B. These rights originated from natural flow rights obtained by the Bureau of Reclamation for the Minidoka Project, consisting of Minidoka Irrigation District and Burley Irrigation District. A portion of these rights was conveyed to Burley Irrigation District when we completed a title transfer of the project and the distribution of works of the project. Another issue is the limitation of acres in the Preliminary Recommendation for Water Right No. 01-0211B to 34,563 acres. We believe that the place of use under this right should be the entire acres irrigated. I have enclosed an explanation of our position for your consideration. A summary of my concerns are as follows:

Water Right No. 01-0211B

The quantity of this right should be 1,200 cfs from an original right of 1,726 cfs divided between Burley Irrigation District and Minidoka Irrigation District. I have proposed a remark to show that when the two districts demands are greater than 1,726 cfs, combined, Burley Irrigation District's right will be reduced by an amount equal to Minidoka Irrigation District's demands above their portion of the right, but not a reduction greater than 38% of the 1,726 cfs.

Susan Hamblin Nygard
Deputy Attorney General
Department of Water Resources
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Place of Use: I have enclosed a short review of certain documents that I think justify showing the place of use as 47,818 acres. This has historically been used for that many acres, and it would disrupt things considerably if it were necessary to make a beneficial use claim for the additional acres. This does not constitute an enlargement or expansion claim in my view.

Water Right No. 01-0214B

I have enclosed a draft of remarks to be attached to this right, which should have a quantity of 544 cfs. I believe corrections have been made as to the points of diversion to include areas where water is pumped directly from the Snake River to serve lands of Burley Irrigation District, which border the Snake River, and the total acres shown as the place of use.

Water Right No. 01-0007

I believe all of the issues have been resolved on this claim, which is a right awarded under the Eagle Decree.

Please contact me if you have any questions.

Very truly yours,


Roger D. Ling

RDL:jb

encs