

June 21, 2001

STEVEN E FERRO
5470 W SKI VIEW DR
POCATELLO ID 83204

RE: Irrigation from Ground Water Well

Dear Steve,

Based on the evidence you found proving your well was drilled on August 5, 1986, I see two options to secure a water right from your well.

Option 1:

-File a Snake River Basin Adjudication Claim. This claim would be based on the historical practice of irrigating your land from ground water that was originally diverted from what is now Mr. Larsen's well. The priority date I would suggest you claim would be July 13, 1956. This date was taken from the historical field exam, where the IDWR examiner noted irrigation on your property, but did not include it in the license since the land was not described in the original permit. The risers that are still on your property would support the historical use too.

Since the well was in place prior to November 19, 1987 no transfer will need to be filed.

Fee: \$104.50

Advantages:

-Early priority date.

Dis-advantages:

-The recommendation will be up for objection. An outside party could make a strong argument for Forfeiture of the right. You could get tied up in the SRBA court. Any court case would be between you and the Plaintiff. My roll in a dispute is only to present the facts I found.

-In addition, based on the 1987 photography, only about 2.5 acres of irrigation can be confirmed. For me to support groundwater irrigation of approximately 4.5 acres (this excludes your home, driveway, shop) I need a signed statement from you of when you have irrigated from the well, and the extent of the irrigation. Based on our conversation, you told me that you have irrigated the entire parcel on occasion. I will need a statement of what you told me in the file.

Option 2:

-File an Application for Permit. Despite the current ground water moratorium, if the well was in place prior to November 19, 1987, permit applications can still be accepted. A new application would give you a 2001 priority date.

-Fee: \$100.00

Advantages:

-The forfeiture statute is no longer an issue. The permit would be advertised to the public and a possibility for an objection could take place. This process would be considered the development of a new water right that started prior to the commencement of the SRBA.

Dis-advantages:

-2001 priority date

Results:

My opinion is that filing the Application for Permit would be probably the simplest route to perfect an irrigation water right from your well. However, this is your decision. I am enclosing both an Adjudication Claim Form and an Application for permit form.

I have taken the liberty of completing a portion of the information on both the Adjudication Claim Form and an Application for permit form. In addition to irrigation, I included domestic use since I couldn't find a water right for domestic use. You aren't required to file on domestic use, but since you are going through the steps, I think it is a good idea to include it. Please initial any changes you wish to make on the areas of the forms that I completed.

I am also including a map of what I think is your irrigated place of use that can be used for the map requirement on either form.

With whichever form you choose to submit, please include the evidence we spoke about on the phone that shows that your well was in place and in use prior to November 19, 1987, and the appropriate filing fee.

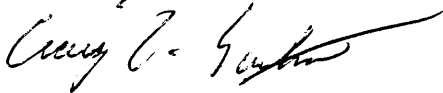
Lastly:

Adjudication Claim 29-00494C is your irrigation claim from Terrell Creek. Enclosed is an amended claim that includes the NWNE as part of the irrigated place of use. The claim needs to be amended in order for me to recommend irrigation in the NWNE. Please sign the claim in front of a notary and return it to me as soon as possible. The total acreage was left at 5 acres, but most likely will be cut down to exclude the structures on your property. There is no fee for this amendment.

I realize I just dropped a lot of information on you all at once and that water rights can get confusing. However, I am encouraged that we are getting the necessary details worked out in order to secure your water rights for the future.

As always, feel free to contact me at (208) 525-7161 if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton", with a long, sweeping horizontal line extending to the right.

Craig L. Saxton
Water Resource Agent
Adjudication Bureau