



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

June 19, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary Jensen
Leroy Jensen
10964 Rhody Drive
Port Hadlock, Washington 98339

Re: Adjudication claims 29-2292, 29-2419

Dear Water Users:

Enclosed is a copy of the letter I sent to LaMar Rupp regarding the possibility of filing a "beneficial use" claim to reflect the additional capacity of the 1950 well, and the possibility of recommending these rights on a "permissible place of use" basis to more appropriately balance the diversion rate per acre of the two rights.

In my phone conversation with Gary, we discussed the possibility of dividing the farm into an eastern and western portion. Currently the water rights are divided into a northern and southern portion, based upon the way the land was originally developed. An enclosed map shows the approximate layout of the rights as currently claimed, based upon the original licenses.

Water right 29-2292 is for 369 acres on the south, with a 1954 priority date and a diversion rate of 4.24 cubic feet per second (cfs). This works out to about 0.0115 cfs/acre, which is marginal at best. If you file the beneficial use claim for the additional water documented in the 1953 measurement, the overall rate would be 0.0164 cfs/acre.

Water right 29-2419 is for 233 acres on the north, with a 1959 priority date and a diversion rate of 2.95 cfs. This works out to 0.0126 cfs/acre, which is better than 0.0115 but still marginal.

The enclosed map shows that the current place of use matches these claims and original licenses very closely.

One option available to you is to amend the claims to re-align these rights into an eastern and western portion. This would preserve the 1950/1953 priority dates on part of the lands, and keep the 1959 priority date on the balance of the lands. For this to work, the lands would have to be divided in the same ratio (369 acres to 233 acres), and the difference in diversion rate per acre would not change.

Another option is to amend the claims on a "permissible place of use" basis, which effectively would apply all three rights to all the lands. Then, when the property is divided, all three rights would be divided proportionately. If the lands were divided to two units, the result would be six water rights, three to the west parcel and three to the east parcel. Each parcel would enjoy part of the 1950 right, part of the 1953 right, and part of the 1959 right. All the lands would effectively enjoy a diversion rate of about 0.015 cfs/acre, which is adequate with good management.

Both LaMar Rupp and Gary have told me of the difficulty with correcting the ownership on the county records. I can adjust the water right ownership based on the deeds and/or trust documents that you have, if they show the correct ownership and the proper legal descriptions. This will allow at least the water right recommendations to proceed.

Please feel free to call me if you have questions. I look forward to meeting with you after you have had your meetings. My goal is to recommend these water rights correctly, and your input has been very helpful.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

Enclosures

cc: LaMar Rupp
PO Box 5307
Chubbuck, ID 83202

Terry Jensen
2660 Dawes Street
Rancho Cordova, CA 95670