



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 26, 1997

Bruce Larson
241 S Main
Soda Springs ID 83276

Re: Don Rigby Water Rights 29-07636, 29-07637, 29-07001

Dear Mr. Larson:

I have recently completed a summary of ground water discharge measurements and volume withdrawal estimates for wells in the Bancroft-Lund area, Water District 13-T. The summary is attached to this letter and was presented at the water district meeting on February 24 in Grace.

Discharge measurements and volume estimates were made for the three wells which have been developed under permits 29-07636 and 29-07637. These three wells are known by Mr. Rigby as # 1 Well, Old Faithful #2, and the Pond Well. Measurements were also made for the well known as Old Faithful, which is the well developed under license 29-07001. Burke Scholer and I conducted the measurements for these wells on September 25, 1996. All four wells are tied together and pump into a common mainline system or manifold. Surface water can also be pumped into the mainline system and commingled with the ground water. Surface water was not pumped or commingled with any ground water during our measurements. It was our understanding that Mr. Rigby operated the system at this time in a way that allowed us to measure the wells at or near their maximum capacities, and that these flows are representative of normal flows.

The total measured discharge from the three wells under permits 29-07636 and 29-07637 was 6.26 cfs. Old Faithful #2 produced most of this flow, or 4.92 cfs (2209 gpm). The # 1 well produced 1.08 cfs (485 gpm), while the Pond well produce only 0.26 cfs (117 gpm). We observed that the Pond well was valved back considerably. The energy to flow ratio for this well was very high, making the well very inefficient in terms of energy use. Maximum discharge measured from Old Faithful was 5.81 cfs (2609 gpm).

Volume estimates were made using discharge measurements, energy demand measurements from the power meters (kw demand), and power records supplied by Utah Power. The total estimated volume for the three wells in 1996 under permits 29-07636 and 29-07637 was 808 acre-feet. These volume estimates may be somewhat inaccurate since we were not able to compare our measured

discharge pressures with any measured discharge pressures during the preceding irrigation season. Operating pressures were not tracked by Mr. Rigby or the watermaster during the irrigation season. Operation of the system with surface water may change the pressures and volume estimates. Additionally, we noted that the power meter for the Old Faithful #2 well was changed some time between June 5 and September 25, 1996. This may also affect the estimate of volume from that well.

Conditions of approval under the permits, which were approved in 1991, allow for two year incremental development stages, not to exceed 240 acres per stage. For the six year period from 1991 through 1996, the maximum rate of diversion which could be developed is 14.4 cfs, and 2,160 acre-feet. The rates of diversion developed and volume used as of this time are considerably less than allowed under the permits. However, based on the system Mr. Rigby has developed which commingles ground water with surface water over the same lands, I believe that the permits are being used in part as supplemental ground water rights. The total number of acres being irrigated with ground water under the two permits and license 29-07001 may already exceed the total number of acres authorized by these water rights. Also, the fairly high volume used under license 29-07001 may indicate that this right is also being used in part as a supplemental well.

As outlined in correspondence to you last year, Mr. Rigby should amend his permits to reflect the correct place of use and point of diversion locations. A transfer should also be filed on license 29-07001 to add the wells and any additional acreage under the two permits. As the wells are all tied together, all the rights should identify the same points of diversion and place of use. The permits and license may have to be conditioned to recognize permissible place of use. I encourage you to file the amendments and transfer as soon as possible. Again, the Idaho Falls office can assist you with this effort.

Please call me directly at 327-7864 if you have questions about this matter.

Sincerely,



Tim Luke

cc: Don Rigby
Harold Jones, Eastern Region

BANCROFT-LUND IRRIGATION WELLS - 1996 ESTIMATES OF VOLUME WITHDRAWALS USING POWER RECORDS

NAME	DIVERSION NAME	WATER RIGHT NUMBER	MR STG	DIV. RATE (CFS)	OTHER RIGHTS	TOTAL W. RT CFS	TOTAL W. RT AC. FT.	96 MAX MEAS CFS	96 PCC MEAS AC. FT.	96 PCC AC. FT.	96 PCC QUALIFIER
CHRISTENSEN, BART	LINEAR PIVOT	13-02269	D	4.42		4.42	711.0	1.85	50.0		1
CHRISTENSEN, BART	ANDERSON WELL	13-07099	L	4.79		4.79	918.0	2.21	164.9		2
GEM VALLEY FARMS	PAULS	13-02203	D	3.14		3.14	465.0	1.71	151.1		3
GEM VALLEY FARMS	HANSEN WELL	13-02259	D	2.10	13-07198C	3.76	792.0	1.67	178.9		3
GEM VALLEY FARMS	DEEP WELL	13-07165	L	3.12	13-07261, 13-07198B	5.12	927.0	3.71	278.8		3
GEM VALLEY FARMS	HIGHWAY WELL	29-07070	D	4.68		4.68	918.0	4.57	301.1		3
GEM VALLEY FARMS	Jorgensen North Well	13-07161	D	4.54		4.54	690.0	3.50	126.9		1
JOHN, CARL	Jorgensen South Well	13-02198	D	2.88	13-07005	3.82	1065.0	2.22	64.1		3
JORGENSEN, TERRY		29-02313	D	2.34	29-00580	4.68	1002.0	1.93	91.5		1
MODERSITZKI, DAVID	CHESTERFIELD WELL	29-02548	D	3.12	29-07061	5.86	942.0	5.03	344.0		3
RIGBY, DON C	OLD FAITHFUL	29-07001	D	5.97		5.97	1320.0	5.81	1151.1		3
RIGBY, DON C	OLD FAITHFUL #2	29-07636	P	1.60	29-7637* (PD NOT ON	14.40	2160.0	4.92	655.6		3
RIGBY, DON C	POND WELL	29-07636	P	1.60	29-7637* (PD NOT ON	14.40	2160.0	0.26	6.2		3
RIGBY, DON C	#1	29-07637	P	17.04	29-07636*	14.40	2160.0	1.08	146.4		2
RINDLISBAKER, TERRY G	LLOYD WELL	29-07098	D	4.79		4.79	876.0	3.52	316.8		2
RINDLISBAKER, TERRY G	HANSEN/RUPP	29-07102	D	5.39	29-07264	6.68	1384.0	4.65	370.6		2
RINDLISBAKER, TERRY G	LONGENBOHN WELL	29-07365A	L	2.74		2.74	411.0	2.51	79.9		3
SIMONSON, VON OR ERIC		13-07084	D	4.36	13-07259	4.36	1110.0	4.12	313.0		2
YOST, PHIL	Home Well	13-07097	D	4.46		4.46	930.0	4.12	340.7		2
YOST, PHIL	Kim Welch East	13-07163	D	4.37	13-07225	4.37	1356.0	1.72	136.3		1
YOST, PHIL	Kim Welch West	13-07163	D	4.37	13-07225	4.37	1356.0	2.51	162.5		3

* Permits 29-7636 & 29-7637 describe three POD's, actual location of two wells do not match permit locations. Permits allow two year incremental development stages, not to exceed 240 acres per stage. Water right cfs and volume limits are limits for 3 stages (1991 thru 1996).



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 23, 1999

Don Rigby
1226 Rigby Rd
Bancroft, ID 83217

Re: Water Rights 29-07636, 29-07637, 29-07001

Dear Mr. Rigby:

On April 9 of this year I made a water level measurement of the abandoned Pond well in the Ivins area southeast of Bancroft. The water level at this site was 70.1 feet below the land surface. While visiting this site, I noticed that you installed a new pivot in the adjacent field, which is just east of the Pond wells. It appeared that this particular field has increased in both the size and the number of irrigable acres. This field is located in the SE quarter of Section 16, T8S, R40E.

I corresponded with you and your attorney, Bruce Larson, on several occasions in 1996 regarding certain discrepancies between your water rights and your actual irrigation practices. I also met with you and Mr. Larson at Mr. Larson's office in Soda Springs. We reviewed and compared water rights points of diversions and places of use with the actual field points of diversions and places of use. During our meeting and through correspondence, I advised you that you would need to amend permits 29-07636 and 29-07637, and file a water right transfer on license 29-07001. You were advised that these amendments and the transfer would need to address changes in both the points of diversion and place of use. You were also advised of concerns that ground water is potentially being used on more land than described under your ground water rights.

Upon further review of the above water rights, I notice that amendments were filed and approved in 1997 for permits 29-07636 and 29-07637. These amendments only sought changes for points of diversion. The water right place of use discrepancies that we discussed in 1996 were not addressed by the amendments. Additionally, a water right transfer was never filed for license 29-07001. Based on my field inspection earlier this month, it appears that the ground water place of use and ground water irrigation infrastructure is much the same as in 1996, except for the possible expansion in Section 16, T8S, R40E.

As part of the water measurement and reporting process in the Bancroft-Lund Water District, the department received a report from Mr. Larson dated December 15, 1998 that summarizes crops grown and the number of acres irrigated under your ground water rights in the Ivins area. The total number of irrigated acres in the Ivins area described in this report is 1,980 acres. The total number of acres authorized by your ground water rights in this same area is only 1,372 acres.

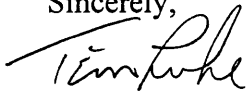
Moreover, it appears you may be expanding your acres in Section 16, T8S, R40E.

The purpose of this letter is to notify you that you may be irrigating lands without proper authorization or valid ground water rights. You are further notified that you may still need to make certain water rights amendments and/or water right transfers in order to properly match your water rights with your actual irrigation practices. You may also need to limit the amount of land to which your ground water rights are appurtenant.

If you believe my understanding of this matter is incorrect or I have overlooked something, please contact me immediately. If you agree with my assessment of this matter, then you must contact this office by May 10 and advise the department as to what actions you will take to bring your diversions and water use in compliance with your water rights. Failure to timely respond to this inquiry may result in the department taking certain enforcement actions this irrigation season, including the issuance of a notice of violation and cease and desist order.

If you have specific questions regarding this matter, please contact me directly at 208-327-7864.

Sincerely,



Tim Luke

Manager, Water Distribution Section

Cc: Bruce Larson, Attorney
Harold Jones, Eastern Region
Terry Rindlisbaker

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DEC 7 1998

Department of Water Resources

Meyers, Thomsen & Larson, PLLP
Attorneys at Law

M. Jay Meyers Steven A. Thomsen A. Bruce Larson

Pocatello Office

300 North Seventh Avenue
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile: (208) 233-4174

A. Bruce Larson

December 15, 1998

Soda Springs Office

241 South Main St.
P.O. Box 608
Soda Springs, ID 83276
Telephone: (208) 547-2186
Facsimile: (208) 547-2297

Tim Luke
Idaho Department of Resources
1301 N. Orchard
Boise, ID 83706

RE: Don Rigby

Dear Tim:

I am enclosing some 1998 water measurement annual reports that were sent to Don Rigby. In discussing this matter with Louis Rounds in the Idaho Falls office it became apparent that Mr. Rigby would be unable to comply with all the requests made in your form. I have had Mr. Rigby fill out what he could and by way of this letter I will attempt to explain what crop he is irrigating under the various rights.

As I'm sure you are aware from your familiarity with Mr. Rigby's irrigation system that other than the Chesterfield well his irrigation system is a manifold system which not only uses ground water but surface water rights that Rigby also possesses. From the Pond Well, Well #1, Old Faithful #1 and Old Faithful #2 the following crops are being raised under a pivot irrigation system containing 14 pivots:

<u>Pivot No.</u>	<u>1998 Crop</u>	<u>1999 Crop</u>	<u>Acreage</u>
1	Sod	Sod	160
2	60 acres Sod 60 acres Wheat	60 acres Sod 60 acres Wheat	120
3	80 acres Sod 80 acres Wheat	80 acres Sod 80 acres Wheat	160

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Department of Water Resources

Tim Luke
Idaho Department of Resources
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<u>Pivot No.</u>	<u>1998 Crop</u>	<u>1999 Crop</u>	<u>Acreage</u>
4	20 acres Barley 120 acres Wheal	20 acres Barley 120 acres Wheat	120
5	Wheat/Barley	Wheat/Barley	160
6	Wheat/Barley	Wheat/Barley	160
7	Wheat	Wheat	160
8	Potatoes/Wheat	Wheat	120
9	Alfalfa/Barley	Alfalfa/Barley	160
10	Potatoes/Barley	Wheat/Barley	160
11	Wheat/Barley	Potatoes/Barley	160
12	Wheat/Barley	Wheat/Barley	180
13	Sod	Sod	40
14	Barley	Potatoes	120
	Chesterfield Barley		309
	Barley		309

1980 acres
total

The areas which show a crop of Wheat/Barley or Potatoes/Barley the corners outside of the pivot are planted into barley. Neither Don nor I had an accurate measure of the number of acres involved in this portion of the irrigated land.

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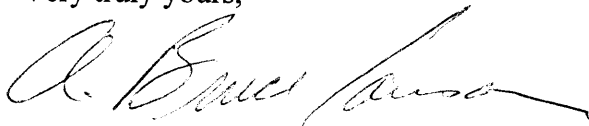
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Department of Water Resources

Tim Luke
Idaho Department of Resources
December 15, 1998
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I have also enclosed the signed contract by Don Rigby for measuring his water use from the electrical records. I hope that this is the information you need. If there is anything else please let me know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. Bruce Larson".

A. Bruce Larson

ABL:pc

c: Don Rigby

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DEC 17 1998

Agreement, p.1
10/21/98

Department of Water Resources IDAHO DEPARTMENT OF WATER RESOURCES
AGREEMENT TO ESTIMATE WATER DIVERSION
BASED UPON POWER CONSUMPTION

This Agreement, entered into between the Idaho Department of Water Resources (Department) and The Don C. Rigby Family Partnership a water user of the public waters of the state of Idaho (Water User), is made in reference to the following facts:

RECITALS

A. Section 42-701, Idaho Code, provides that if the installation and maintenance of a measuring device on the diversion would be burdensome, the Water User may execute an agreement with the Director to submit additional information and technical data about the diversion and the pumping facilities necessary to establish a relationship of power usage to water withdrawal.

B. The Department of Water Resources and the Water User desire to implement the alternative referred to in Recital A. by the execution of this Agreement.

THE PARTIES AGREE AS FOLLOWS:

1. DESIGNATION OF PROJECT COORDINATOR

A. The Director shall designate the Department's representative for the administration of this agreement who shall have full authority to act on behalf of the Department.

B. The Water User's representative is Don C. Rigby, and shall have full authority to act on behalf of the Water User.

2. STATEMENT OF PURPOSE

The purpose of this Agreement is to provide an alternative method to estimate the quantity of water diverted without installing and maintaining measuring devices at the diversion. The Water User agrees to collect and submit the necessary information to allow the Department to estimate the water withdrawals using the power records in lieu of the installation of measuring devices at the diversion.

3. WATER USER RESPONSIBILITIES

The Water User agrees to submit all required information and technical data no later than December 15 immediately following the irrigation season for each year the agreement is in place. Failure to report information or intentionally submitting inaccurate

5. TERM

This Agreement shall take effect on the date of execution and shall remain in effect for each succeeding year unless terminated earlier in accordance with Section 6 of this Agreement.

6. TERMINATION OF AGREEMENT

A. The Department may terminate this Agreement by written notice if it determines that the information and the technical data are inadequate or unreliable to accurately estimate any water diversion, or if it determines that the record keeping necessary to estimate the diversion is too difficult. After written notice that the Department is unable to accurately estimate water diversion using power records, the Department may then require the Wateruser to install, within a reasonable time, an acceptable type of measuring device.

B. The Wateruser may terminate this agreement by written notice and installing an acceptable measuring device and submitting annual reports as required by the director of the Department of Water Resources.

ADDITIONAL TERMS AND CONDITIONS

A. The Wateruser shall allow access to the Department and its agents, and the water district watermaster, to the Wateruser's points of diversion, places of use and energy delivery systems to perform all tasks associated with this Agreement.

The Wateruser shall provide an acceptable flow measurement location, typically a section of straight, clean, solid pipe at least 10 pipe diameters above and below any valves, bends, contractions, expansions, etc., and at least 15 pipe diameters below any pumps, check valves, or throttling valves in the throttled position. The Wateruser agrees to excavate a portion of the mainline to expose an acceptable location if necessary. The Department intends to use a non-invasive flow measuring device, and holes will not be drilled in the pipe.

B. If an entity other than the Department or the water district watermaster determines the power usage water withdrawal relationship, the Wateruser acknowledges and agrees that it is the responsibility of the Wateruser to verify that the entity is Department approved and that all necessary information is submitted to the Department in a timely manner.

C. The Department may agree to waive a reporting requirement under special circumstances. If the Wateruser seeks a waiver to any reporting requirement, the Wateruser shall submit a written request

C. A. HUDSON
and
ASSOCIATES

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MAR 05 1997

Department of Water Resources



14166 CLEVELAND RD.
PRESTON, IDAHO 83263
(208) 427-6214

180 EAST 2nd SOUTH
SODA SPRINGS IDAHO 83276
(208) 547-4141

February 28, 1997

Mr. Gary Spackman
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RE: Summary of Don Rigby and Monty Yost's "Golden Grain" Well Monitoring during the 1996 Irrigation Season (Water Right Nos. 29-7636 & 29-7637).

In accordance with the approved Well Monitoring Plan, monitoring of the water depth in Monty Yost's "Golden Grain" well and the unused well located approximately 300 feet southeast of the "Pond Place" well began on April 15, 1996. No irrigation was being done by Monty Yost or Don Rigby at this time. The initial water depth in the Golden Grain well was 89.1 feet (this level corresponds with the 89 foot level reported in the well driller's report). The initial water depth in the Pond Place monitoring well was 74.4 feet.

Water levels were measured in the Golden Grain well via an existing 100 foot airline which was installed when the well was deepened in 1978. The Pond Place monitoring well water levels were measured directly with an engineering tape using the well casing rim as the reference point.

On May 8th, Don Rigby began irrigating from the "Old Faithful" well (located 5,018 feet from the Pond Place monitoring well and 11,658 feet from the Golden Grain well). During the following 13 days, the water level in the Golden Grain well remained constant at 89.5 feet and the water level in the Pond Place monitoring well rose 4 tenths of a foot.

On May 21st, Don Rigby began irrigating from the Pond Place well and the water level in the Pond Place monitoring well dropped from 74.4 feet to 106 feet (Average). During the next twenty days, the water level in the Pond Place monitoring well varied from 103.0 feet to 109.4 feet. The water level in the Golden Grain well remained constant at 89.6 feet.

On June 12th, Monty Yost began irrigating from the Golden Grain well and the water level dropped below 100 feet, which is the depth of the airline. Monty Yost continued to irrigate until August 15th, when he secured the Golden Grain pump for the season. The water level in the Golden Grain well returned to the pre-irrigation level of

94190.SUM

89.6 feet.

Don Rigby secured the Pond Place well on July 11th. The water level in the Pond Place monitoring well returned to the pre-irrigation level of 74.4 feet.

CONCLUSION

Based on this first year's monitoring data it appears that Don Rigby's irrigation system had minimal (if any) affect on Monty Yost's Golden Grain well. By utilizing the existing monitoring wells, we could not perform an accurate pump test on each of the wells involved, therefore, the exact zone of influence could not be calculated for each operating well. The rapid (within days) return to pre-irrigation levels for both the Golden Grain well and the Pond Place well, suggest little detriment to the local water source.

RECOMMENDATIONS

I recommend that monitoring continue in accordance with the monitoring plan through the 1997 irrigation season in order to verify previous data.

If you have any questions regarding this information, please feel free to contact me.

Very best regards,



Mark Dietrich
Project Engineer

cc/Don Rigby



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 29, 1996

BRUCE LARSON
241 S MAIN
SODA SPRINGS, ID 83217

Re: Don Rigby Water Rights 29-07636, 29-07637, 29-07001

Dear Mr. Larson:

Thank you for visiting with me last week regarding the above water rights and my prior correspondence of August 13. The meeting helped clarify some questions I had about Mr. Rigby's operation and water rights.

I have further discussed this situation with my supervisor Gary Spackman, and Harold Jones, water right supervisor in Idaho Falls. We have concluded that amendments should be filed for permits 29-07636 and 29-07637, and that an application for transfer of water right should be filed for license 29-07001. The amendments and license need to show the correct locations for points of diversion and irrigated place of use. I believe both you and Mr. Rigby also understood that the existing rights do not presently identify the actual points of diversion and place of use. Given the type of system Mr. Rigby has developed, I believe that the rights need to share the same points of diversion and places of use.

Please note that I have enclosed some amendment and transfer applications. Instructions are also included. I also wish to take this opportunity to make some corrections to my letter of August 13. These corrections are as follows:

a) Item 4 of August 13 letter - the windshield pivot located in the NESE Sec. 33, and NWSW Sec. 34, T8S, R40E, does appear to be covered by canal shares. I had incorrectly stated that no valid water rights cover this acreage. The decreed surface water rights do cover lands in sections 33 and 34, but do not provide any further detail or description. Maps at the Department appear to show that this particular acreage has been irrigated for some time. This particular acreage however is not described by your ground water rights and thus should be added to item 5 of the August 13 letter.

b) Item 5 of the August 13 letter omitted irrigated land in the SWNW of Sec. 27, T8S, R40 E. I understood from Mr. Rigby at our meeting that there is a mini-pivot covering this 40 acre parcel. Item 5 also incorrectly described land in the NE1/4 of Sec. 21. The



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

August 13, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Don Rigby
1226 Rigby Rd.
Bancroft, ID 83217

Re: Water Rights 29-07636, 29-07637, 29-07001

Dear Mr. Rigby:

I have been reviewing the above referenced water rights for the purpose of matching the wells with the proper water rights. This matching process is part of an effort to assist the water district in developing a data base showing water rights and their appropriate points of diversion along with authorized rates of diversion and annual volumes. This process is an extension of the physical well inventory which IDWR staff and the watermaster made earlier this summer. As you know, wells in the Bancroft-Lund water district are being measured this year so that measured rates of diversion and volume can be compared with water right flow rates and volumes.

Upon reviewing the above rights, I have developed a number of questions regarding irrigated place of use and points of diversions. These questions and concerns are identified below.

- 1) Department records do not list any valid water rights for the well which you have identified as the Pond Well, located in the SE1/4 of Sec. 16, T8S, R40E.
- 2) Department records also do not list any valid water rights for the well which you have identified as Old Faithful #2, located in either the NESE or SENE of Sec 21, T8S, R40E. The well known as Old Faithful #1 is about 100 ft. southeast of this well and appears to be covered by water right 36-07001.
- 3) Water right no. 36-07636 identifies two points of diversion, one in the SESE Sec 21, T8S, R40E, and one in the NESE Sec. 30, T8S R40E. It is my understanding that the well in the SESE of Sec. 21 is that well which you identified as Well #2. It is my understanding that this is the capped artesian well which is not being used. I am not aware of any well which you own in the NESE of Sec. 30. Our records and inventory does show that a well is located in the NESE of SEC 30 but is owned and operated by Monte Yost and Milton Gilbert, aka Golden Grain Farms.

4) The map which you supplied of your systems shows a windshield pivot located in the NESE Sec. 33, T8S R40E, and NWSW Sec 34, T8S R40E. Department records do not list any valid water rights covering this particular acreage. }

5) The map which you supplied also shows pivots which are not fully described as irrigated places of use under your ground water rights but appear to be covered by surface water rights or canal shares. Since your system commingles surface water with ground water whereby all the wells and canal pumps deliver water to a common pipe or manifold system, there is a concern that you are irrigating lands with ground water that are not adequately covered by ground water rights. The lands in question are shown as being irrigated by pivots in your map and are described in more detail as follows:

- W1/2 NE1/4, Sec. 21, T8S, R40E
- E1/2 NE1/4, Sec. 28, T8S, R40E
- E1/2 SE1/4, Sec. 28, T8S, R40E
- SW1/4, Sec. 27, T8S, R40E
- E1/2 NE1/4, Sec. 33, T8S, R40E
- W1/2 NW1/4, Sec. 34, T8S, R40E

→ ALSO SWNW sec 27)

The map produced by A.A. Hudson and Associates dated May 1995, appears to show additional acreage in sections 16, 20, 29, 30, 31 and 32 that may be irrigated by your ground water wells and not described by your ground water rights.

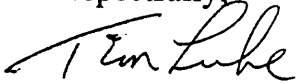
6) The requests for extension of time to file proof of beneficial use which you filed in June of this year for rights 29-07636 and 29-07637 indicate that three wells have been developed and that possibly a fourth well will be developed on the Golden Grain property. The two rights only allow for development of three wells. It does not appear that a fourth well can be developed unless a water right transfer or amendment is approved. The fact that two wells are described under right 29-07636, which has a total diversion rate of only 1.60 cfs, raises some concern about how much total water is being diverted under this right.

The purpose of this letter is to notify you that I have found a number of discrepancies between your water rights and actual developed points of diversion and places of use. I would like to provide you an opportunity to address the above concerns and identify any water rights or factual information which I may have overlooked in my review. I also want to advise you that some of the discrepancies, if accurate, can perhaps be corrected by filing water right transfers and/or amendments. You should also be aware that if land is being irrigated without the benefit of any water right, that the Department will issue a Notice of Violation and Order to Cease and Desist from further diversion of water. Cease and Desist Orders can carry civil penalties of up to \$100 per day for continued violations.

I also wish to notify you that I plan to conduct some field work in the Bancroft area next week. I would like to visit with you at that time to discuss the items raised by this letter.

Please contact me directly at 327-7864 on August 19 to arrange a time and date to review your water rights and irrigation system.

Respectfully,

A handwritten signature in cursive script that reads "Tim Luke".

Tim Luke

cc: Wayne Waddoups, Watermaster
Bruce Larsen
Harold Jones, Eastern Region

POND PLACE	01	499	879
WELL #1	01	576	582
PIVOT	01	823	481
OLD FAITHFUL #2	01	498	849
CANAL PUMP	90	103	185
CANAL PUMP	40	253	852
OLD FAITHFUL #1	50	881	894

125 HP Pump -
 100 HP Pump
 30 HP PIVOT SYST.
 250 HP Pump
 { 100 HP Pump
 100 " "
 250 " "

125 HP TOTAL METER
 130 " " "
 30 " " "
 250 $181840 / 181 = 1004$
 100 $97898 / 1 =$
 100 $379520 / 216 = 1757$
 250

90 103 185

CANAL
PUMP

KW
 JUN 0
 JUL 82
 AUG 81
 SEP 10
 OCT 10

KW H
 28647 / 81 353
 45461 / 81 561
 22000 / 81 272
 1304 130 HR/MO 1186 HRS
 486

→ ASSUME PIVOT OPERATING HRS.

40 253 852

CANAL
PUMP

JUN
 JUL
 AUG
 SEP
 OCT

14000 / 112 = 125
 45680 / 111 = 411
 29760 / 111 = 268
 1120 2/7 160 HRS
 160 / 4 40 HRS 804 HRS

