

April 18, 2003

DAVELLA F WHITE
NATHANIEL E WHITE
PO BOX 1524
POCATELLO ID 83204

Re: Water right Nos. 29-4095 & 29-4096.

Dear Mr. and Mrs. White,

Recent discussions with your representative, Richard White has helped in understanding the water rights referenced above. From the discussion we learned that there was a dairy on the property with associated barns, residences, and work areas that were established circa 1915. Affidavits in the file give descriptions of the construction of the spring water collection box and pipeline that conveyed water from the spring to the developed dairy and residences. It was also expressed that a holding tank or cistern if you will was constructed to store spring water for use at the dairy and that at times, water ran low because of the commercial use of the water.

On the 27th of March 1979, Nathaniel E. White submitted two claims for a water right to the Idaho Department of Water Resources. The claims were assigned the numbers referenced above. One claim was for domestic (two homes) and irrigation from a spring for a total of 0.10 cfs while the other was for 1 acre of irrigation from an unnamed creek at 0.02 cfs.

On April 4th, 1988, we received claims to these same water rights for the Snake River Basin Adjudication (or SRBA). These claims, however, differed in that they only claimed 0.02 cfs for the combination domestic and irrigation right (29-4095). Within the last few weeks, you received a preliminary recommendation of the water right recommending the water rights as they were claimed on the SRBA claim filing NOT based upon the original 1979 claim.

Conversations with Mr. Richard White indicated that the amounts shown on the preliminary recommendations appeared insufficient since there were three residences and associated irrigated areas surrounding this establishment.

Our review of aerial photography, both black and white and infrared did show the area of concern but did not show conclusively what was being irrigated. Therefore, an agent representative from Idaho Department of Water Resources visited the location on April 17, 2003 to view the residences and irrigated areas. His verbal report to me with photographs demonstrates that there are three older established residences on the

property. Two appeared to be initially constructed for families while the third was a bunkhouse for hired help. The bunkhouse, however, had running water for toiletries and showers. Areas irrigated appear to be less than the 1-½ acre that would be allowed under the domestic right for the three residences.

It also appears that the irrigation water right 29-4096 for surface water from the unnamed creek would have been used to irrigate the same general areas but from a surface water source rather than the spring. This seems reasonable since Richard's account concerning spring water use in the dairy may have not allowed sufficient quantities for irrigation of those areas on occasions.

Given the additional information, we recommend that you submit an amended claim to a water right for water right number 29-4095 reflecting that the domestic portion of the water right is actually for three homes rather than only for two as was shown on the 1979 claim. An amended claim form reflecting this change is enclosed. Upon the form it shows a claimed amount of 0.12 cfs for the three homes and 0.02 cfs for irrigation. This needs to be signed and notarized before returning to our office.

If we change the water right to reflect three homes rather than two homes, that would allow up to 1 ½ acres of irrigated lawn and garden surrounding the residences plus one (1) acre for irrigation of orchard or pasture under the irrigated portion of this water right. Together, this would allow for 2 ½ acres of land to be irrigated from the spring. This total area appears to be liberal with respect to areas observed during the site visit.

At this time we do not suggest making an amended claim for the right 29-4096 since it appears sufficient for the amount of acreage that has been irrigated.

Upon receipt of the amended claim, we will process it and review again for evaluation and recommendation. You will then be sent a revised preliminary recommendation for this water right.

If you have any questions in this regard, please feel free to call me at 525-7161.

Sincerely,



W. Roger Warner
Adjudication Agent

Enclosure: Amended claim for water right Nos. 29-4095.

Cc: Richard White – ricknw777@yahoo.com