



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

June 29, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

City of Chubbuck
City Engineer
PO Box 5604
Chubbuck, ID 83202-0006

Re: Adjudication Claims 29-2385, 29-2413, 29-2469, 29-7624

Dear Water User:

We are beginning the review of adjudication claims in Basin 29, in order to prepare recommendations to the court. My records show the city has filed the four claims listed above. In addition, the database shows that the City of Chubbuck holds license 29-8188, permit 29-8229, and permit 29-8230. These were issued after the commencement of the adjudication and are not required to be reviewed by the department nor by the court.

An initial review of the City of Chubbuck claims has raised some issues that need attention.

The first issue is that claims do not always match the underlying licenses. As I make recommendations, I am limited by both the license *and* the claim – I cannot recommend more than either. The following table shows the licensed and claimed diversion rates:

<u>Right</u>	<u>Licensed Rate</u>	<u>Claimed Rate</u>
29-2385	0.78 cfs	0.56 cfs
29-2413	1.10 cfs	2.23 cfs
29-2469	1.11 cfs	3.80 cfs
29-7624	4.96 cfs	4.45 cfs

You may wish to consider amending the two claims which are less than the original licensed rate, if historically the city has used the full licensed amount of water.

The second issue is that it appears the original capacity of the wells under licenses 29-2413 and 29-2469 was greater than originally licensed. In both

cases, the license was issued for the amount of the permit, which was less than the actual capacity developed.

For ground water put to use before the mandatory permit statute became effective (March 25, 1963), a "beneficial use" water right may be recommended. Documentation in the file establishes that the use of water under 29-2413 was actually 1.5 cfs (instead of 1.10) as September of 1958. Documentation in file 29-2469 indicates that well had a capacity of 2.0 cfs (instead of 1.11) at least as early as June of 1963.

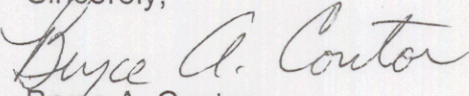
You may wish to file a beneficial use claim for the additional diversion rate developed from the well under license 29-2413, and you may wish to see if you can document use of the well under 29-2469 earlier than March 25 of 1963. The enclosed pamphlet describes some sources of documentation you may wish to consider. If an affidavit is used, it must clearly show that the person *personally observed* the use of water and *the date this was observed*. The more detail the better, such as amounts of water used, types of equipment observed, or circumstantial details that help establish dates.

Please consider whether you wish to amend some of your claims, or file beneficial use claims. If you decide to do this, I can prepare the claims and mail them, or you may come up to the office.

I have requested a copy of the Water Measurement Program data from Tim Luke's group of IDWR in Boise. This may provide additional insight into historical use of water by the city, which will help me make more accurate recommendations. If you have additional documentation or information that might improve the recommendations, please forward it to me.

You are welcome to call me if you have questions, but I am hard to catch. You may also e-mail me at bcontor@idwr.state.id.us and I will reply or call you. I look forward to working with you to make accurate recommendations to the court.

Sincerely,



Bryce A. Contor
Senior Water Resource Agent

enclosure