



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

September 14, 2006

Christopher H. Meyer
Givens Pursley
601 W. Bannock St.
PO Box 2720
Boise, ID 83701

Re: City of Blackfoot Basin 27 Subcases

Dear Mr. Meyer:

The following provides responses to your letter dated September 7, 2006, your email dated September 5, 2006 and two emails dated September 7, 2006.

Water Right No. 27-4087 – The City wants 3.75 cfs and thus, is preparing to amend its claim. The Department received the recent pump test from Keller Associates for this point of diversion, however, information in IDWR's file regarding historic pump size shows that the City has likely increased the well's historic capacity, thus the Department will not recommend the higher rate without some evidence that the pump was not enlarged. Cindy Bird prepared the amended claim for this water right and emailed it to you yesterday; however, you may want to consider whether filing the amended claim is really prudent.

Water Right No. 27-4153 – You inquired as to whether the Department would settle the objection to this water right by including the points of diversion and the place of use as part of the City's interconnected supply system. If the well was abandoned prior to 1987, then the Department would be willing to settle on the points of diversion and place of use being the City's interconnected system, under the accomplished transfer statute. Thus, if you could provide information about when the well was abandoned, the Department will change the proposed SF5 accordingly.

Well Names – You requested that the well names be included in the water rights. The Department is not willing to do that, however, as part of our document management system, your table with the well names, location and legal descriptions will be scanned and profiled under each water right so that this information is preserved for future reference.

Well No. 9 – The Department will not include this well as part of the City's interconnected system. In order to add this well to the City's system, the City will need to file a transfer.

Well Locations – The Department did not GPS every well location. The two that you questioned, wells 8 and 11 have not been confirmed by GPS. Well number 11 was drilled after 1987 and is recommended at the location as described by the City in its post-1987 transfer, and thus, that point of diversion was recommended according to the transfer. The recommendation for the well 8 is based on the best information the Department has from the City; if you have information to clarify this well's location, you may send it to Cindy Bird.

Conversion Factor – The formula the Department uses for calculating acre-feet per year is $\text{cfs} \times 1.9835 \text{ acre feet a day/cfs} \times 365 \text{ days/year} = \text{acre feet/year}$. The Department does not consider leap years in its formula.

I hope this answers your questions. If you would like to discuss this further, please call me at (208) 287-4810.

Very Truly Yours,



Candice M. McHugh
Deputy Attorney General, IDWR

cc: David Barber
Jeanette Wolfley
Ernest Carlsen
Cindy Bird