



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 9, 2008

ALVIN YANTIS
2235 MIDDLE FK RD
COUNCIL ID 83612

RE: Hubble Analysis, Claim No. 67-4069

Dear Mr. Yantis,

Per our conversation on October 2, 2008, I looked into what happened with the effort to pursue more than one inch per acre. I will try to outline the history for you below:

In March of 2007, Chris Meyer contacted me about the possibility of objecting to the Carolex water right recommendations. At this time, the recommendations had been made and I could not make changes unless an objection was filed.

In March or April of 2007, Chris Meyer did send me the Hubble information (for excessive diversion rate) and on 4/5/2007 I confirmed in an e-mail to Chris Meyer that the Hubble information was sent to Twin Falls for analysis.

While waiting for the Twin Falls office, I found that the historical diversion rate would limit my recommendation to 1.5 inches per if the Hubble Analysis confirmed the need.

I need to recommend a historical water right as it was at the time of the priority date. The closest evidence of max diversion rate to the 1918 priority date recommended, would be the 1978 water master records limiting the diversion rate to that which could be diverted from a 24 inch weir.

In April of 2006, you supplied me with water master records that support 5.47 cfs as the max the ditch could divert in 1978 from a 24 inch weir. The notes then show an upgrade to a 36" weir in June of 1982. The best evidence I have of the historical diversion capacity from that POD is in 1978. The capacity of 5.47 cfs would have been enough water to serve the Muir v. Allison decreed rights from that POD as well as flood water. My initial calculation shows that it would be enough to support 0.03 cfs per acre for you and Carolex's property... assuming all the recommended POU requires more than one inch per acre. Any change in weir size allowing more water to be diverted from the POD requires a new permit and a separate water right.

I told Chris Meyer about my above calculations in March of 2007.

The deadline to object to basin 67 recommendations was on August 22, 2007. At that time and currently, there were no objections filed to your water rights or the Carolex LP water rights. Because there was no objection, there was no need to pursue a Hubble analysis.

That brings us to where we are today.

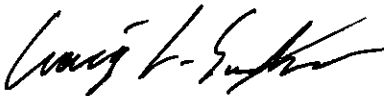
I looked through the rights on your property and if you put them together, due to the ditch loss included in the recommendation for 67-4069, you can divert 0.030 cfs per acre which is the max diversion rate you could get if both you and Carolex LP had a soil type which required excessive diversion rate (as discussed above):

67-89B	0.42 cfs
67-4069	0.25 cfs
	0.46 cfs for Ditch Loss
<u>67-7403</u>	<u>0.21 cfs</u>
Total=	1.34 cfs

Your place of use is 43.9 irrigated acres. $1.34 \text{ cfs} / 43.9 \text{ acres} = 0.0305 \text{ cfs per acre}$ or 1 ½ inches per acre.

I am sending you an objection form per our discussion. You can still file a motion with the court to file a late objection. But if you are going to object, I would suggest you do it soon.

Respectfully submitted,



Craig L. Saxton
Water Right Supervisor
Adjudication Bureau