

Scanned to Disk 9-18-18
Original 8-23-18



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

4/5/1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JIM ECKHARDT
1275 JENKINS CREEK RD
WIESER, ID 83672

RE: 20 DEVELOPED SPRINGS

Dear Mr. Eckhardt,

During our appointment on Wednesday, 3/30/1999, you told me that you have developed approximately 20 springs or bogs. You told me that you excavated the spring or bog and put in an underground catch basin and ran the water to a stockwater trough. I spoke with my supervisor, Steve Lester, to determine if these developments require a water right. Idaho Code does require that all surface water diversion are required to have a water right and groundwater diversions only need a water right if they exceed the domestic definition of .04 cfs diversion rate and a maximum of 13,000 gallons per day for stockwater.

In the past, our office has considered this type of development as surface water, which requires a water right license. However, there is an argument that water is being brought from underground and should be called groundwater, which does not require a license. This is a gray area in the statutes that is currently being debated to determine a definite direction.

I do not foresee our office pursuing licensing of your springs and bogs until the debate over whether your type of developments have been resolved. Therefore, you do not need to license these stock troughs at this time. You could license them as time and finances allow over the next few years to prevent you from doing all of the licenses at one if licensing is required in the future.

If you have any questions please do not hesitate to contact me at the above address or telephone number.

Respectfully,

A handwritten signature in cursive script that reads "Daniel A. Nelson".

Daniel A. Nelson
Water Right Agent

EXHIBIT

360

exhibitstickers.com