

BROCKWAY
ENGINEERING
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Hydraulics

Hydrology

Water Resources

December 15, 2009

Dave Carlson
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED

DEC 16 2009

Department of Water Resources
Eastern Region

Re: KBC Farms Transfer 75910

Dear Mr. Carlson:

After reviewing your email and a letter to Ernie Carlson from Steven Howser dated December 10, 2009 it is apparent that an Aberdeen Springfield Canal Company (ASCC) parcel overlaps with water right 35-2172. However, it is physical impossible for canal shares from ASCC to be used for irrigation on the same land in which water right 35-2172 has been used for more than twenty consecutive years. An aerial photograph provided by the Farm Service Agency for Power County, Idaho is attached to this letter. On this aerial photograph Klaren Koopman of KBC Farms has identified the current irrigation systems used in Sec. 25 of Township 7 South Range 30 E and Sec. 30 of Township 7 South Range 31 East. The deep well and pipes used to irrigate the 136.6 acres under 35-2172 are not connected to any pipes or systems that delivers ASCC water shares.

I spoke with Steven Howser on December 11, 2009 concerning this matter and he confirmed that water shares have been delivered to T07SR30E Sec 25 annually. However, ASCC does not record the exact location of use for the water shares they deliver and cannot verify that water shares are or are not being used under ASCC parcels #577 and #582. There are portions of quarter quarters in Section 25 that are not covered by ASCC parcels #577 and #582 that do receive irrigation water from ASCC. Steven indicated that water from ASCC is delivered to this Section by two head gates or turn outs. The location of the two turn outs in which Steven indicated have been identified by Klaren Koopman on the FSA aerial photograph. The exact location of use of the shares and ground water can only be defined by the individuals or entity that operates the irrigation systems.

Please continue to process transfer 75910 with water right 35-2172 as a primary ground water right. The power records, affidavits and irrigation piping layouts confirm that 35-2172 has been used as a primary irrigation

CHARLES E.
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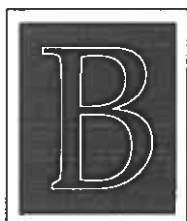
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ground water right for the last twenty years. Attached are the corrections to the proposed shape file and the corrected Part 1 of the transfer application.

Please keep Brockway Engineering updated on the processing of this transfer application. Copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan E.I.T.

Cc: KBC Farms

Enc: FSA Map, Corrected Part 1, Corrected place of use map

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