

FAX**SPF Water Engineering, LLC**600 East River Park Lane, #105
Boise, Idaho 83706**Date:** July 30, 2004**Tel:** 208 383-4140**Fax:** 208 383-4156**To:** Debbie Gibson**Fax No:** 327-7886**From:** Terry Scanlan**Reference:****Subject:** Julius Jeker**No. of Pages:** 3
(including cover)

As discussed, I hope you can help! Thanks.

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Subj: RE: Julius Jeker
Date: 3/12/2004 4:15:29 PM Mountain Standard Time
From: cclark@idwr.state.id.us
To: TMSCANLAN@aol.com

Terry,

We are typically fairly conservative about accepting statutory claims into the bank, but I will look at these files and the basis for the approval of the extension of time to avoid forfeiture next week to get an understanding of the circumstances. It sounds like there may be a fair amount of information available to substantiate the claims. I will get back to you as soon as possible.

Have a good weekend,
Cynthia

-----Original Message-----

From: TMSCANLAN@aol.com [mailto:TMSCANLAN@aol.com]
Sent: Tuesday, March 09, 2004 8:04 PM
To: cclark@idwr.state.id.us
Cc: kneely@idwr.state.id.us; lgraves@idwr.state.id.us
Subject: Julius Jeker

Cynthia -

I met with Mr. Julius Jeker today to discuss protection of his water rights. Mr. Jeker lives in the Dry Creek Valley northwest of Eagle. He has four water rights (63-2535, 63-4023, 63-4086, and 63-7123) for irrigation from groundwater sources. Ken Neely and Lori Graves are both familiar with the water rights or wells.

Julius is 86 years old and infirm. He ceased irrigating the property in 1994 due to illness and loss of competent help. Applications to avoid forfeiture on the four rights were approved by the Department in January 2000. Use of the water is supposed to resume on or before November 1, 2004.

An April 13, 1999 memo by Lori Graves suggests that although there are 508 licensed acres, the actual the area irrigated from groundwater is approximately 386 acres. SRBA claimed diversion rate under the four rights totals 9.49 cfs. Two of the water rights are licensed and two of the rights are statutory claims. The licensed rights total only 1.49 cfs, while the claims total 8.0 cfs. The most junior right (63-7123) was licensed for only 0.79 cfs, because the system capacity was 9.49 cfs and the three senior rights totaled 8.70 cfs. The measured diversion rate from the largest of the wells during the field exam was 5.79 cfs. Thus, although the two rights are statutory claims, they were essentially examined as part licensing of 63-7123. The data in Department files strongly supports historic use and diversion, at least for irrigation of 386 acres.

With recent changes in forfeiture policies in the SRBA, I understand that the four water rights are protected from forfeiture while the adjudication claim is pending. Assuming that the rights were in full use as of the date of the claims being filed, my understanding is that the 5-year forfeiture "clock" would begin ticking on the day that the partial decree is issued.

Julius would like some assurance that his water rights are protected, but is unable to resume use of the rights due to his age and health. My initial thought is to place them all in the water bank so that the rights are protected and he could potentially obtain some income from their rental. However, I am unsure whether you can accept statutory claims. What is the Board's

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policy regarding such rights? If the statutory claims cannot be accepted into the Bank, can the Department provide Julius with written confirmation that the rights are protected while the adjudication is pending, and that he is protected for five years after the partial decrees are issued?

Let me know what you think. Thanks.

Terry Scanlan
383-4140