



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 19, 2007

TSK Enterprises
255 Blue Lakes Blvd North
PMB 617
Twin Falls, ID 83301

RE: App For Transfer 74345 East Ridge Milk

Dear Gary;

I have started my initial review of this application, and have found an issue that needs to be considered by Mr. Duncan before I go any further. The water rights on this system allow a diversion rate of 2.05 cfs, which is just enough to run one high-pressure pivot at any given time. As presently configured, the transfer will leave anywhere from 0.56 cfs to 1.45 cfs to operate the pivots. So running either pivot will violate the flow limit of the remaining water right. While the watermaster may be able to overlook this as long as the acreage and volume limits are not exceeded, ANY complaint by a concerned citizen will require that Paul reduce your diversion rate back to the legal limit. If 1.49 cfs was being pumped at the dairy, only 0.56 cfs could be pumped from the irrigation well. Even if the dairy was pumping at a lower rate, it would still not be possible to irrigate the remaining land with pivots.

I want to be sure that Paul understands this situation before I continue processing the application, so please discuss it with him and get back to me.

Regards,

James E. Stanton
Sr. Water Resource Agent