

April 25, 2008

David R. Tuthill, Jr.
Director
Idaho Department of Water Resources
322 E. Front
Boise, ID 83702

Re: Seamons' Application to Drill an Irrigation Well
15-07285

Dear Director David Tuthill:

On behalf of Samaria Water and Irrigation and Company, we are submitting this letter concerning Seth and Lorinda Seamon's application for a permit to drill an irrigation well. Samaria filed a protest to this application but the protest was dismissed because it was late. Yet, we would like to clarify the matter, upon further review, it was discovered that the location of this well is not a concern to Samaria. Samaria does not protest the Seamons' application and feel this is a non-issue.

Samaria also understands that if in the future injury to its water rights occurs from ground water pumping or other junior uses, that Samaria may pursue a call or other legal action available to senior water users.

Sincerely,

David Reel
Rodney K. Kuyper

Syn Wight

Board of Directors

Samaria Water and Irrigation Company

Seth M. Seamon

Anten H. Jr.

Brent L. Clark

Mary Ann



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 17, 2008

SAMARIA WATER AND IRRIGATION CO
C/O DAVID REEL
5176 S 4400 W
MALAD ID 83252

RE: Measuring Device for Warm Springs

Dear Sirs:

The Idaho Department of Water Resources (IDWR) is reviewing an application from Seth Seamons to divert and use 3.60 cfs of ground water in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 15S, Range 35E, Boise Meridian, to irrigate 180 acres. The location of the proposed diversion is not far from Warm Springs, the source of water for two of your irrigation rights. Recent lawsuits over the use of water in the Thousand Springs and Eastern Snake River Plain aquifer areas illustrate the water management problems that can result when junior ground water diversions affect the spring flows used by senior water right holders. Therefore, IDWR is concerned about the potential for the ground water diversion proposed by Mr. Seamons to affect the flows of Warm Springs and thereby injure Samaria Water and Irrigation Company. IDWR has discussed these concerns with your representative, David Reel.

At this time IDWR does not know whether, or to what extent, the proposed water use will affect the flows of Warm Springs because local aquifer characteristics and the connection between the local aquifer(s) and Warm Springs remain relatively unknown. Consequently, more information is needed before IDWR can approve your application with some surety that Samaria Water and Irrigation Company will not be injured. In order to fulfill IDWR's obligation under Idaho Code §42-203A(5) to evaluate the potential of a new appropriation of water to reduce the quantity of water under existing water rights, IDWR sent Mr. Seamons the enclosed letter asking him to study the connection between his proposed diversion and Warm Springs and report back to IDWR.

Measuring the flows of Warm Springs will be an important component of the study. Without the ability to measure the flows of Warm Springs, Mr. Seamons and IDWR will not be able to determine the impact of pumping from the local aquifer(s) on the flows of Warm Springs. IDWR has discussed with David Reel the need to install a measuring device for the flows of Warm Springs. Mr. Reel indicated that Samaria also would like to have a measuring device in place. While reviewing Samaria's water rights, IDWR noticed that Water Right Transfer 5276, which was approved in 2000, required Samaria to "provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion." A copy of the transfer approval is enclosed. See approval condition no. 4 on page 4 of the transfer.

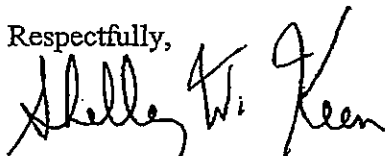
Samaria Water and Irrigation Co.
April 17, 2008
Page 2

In our discussions with Mr. Reel, IDWR has indicated that we might be able to provide some technical assistance with the design of a measuring device for Warm Springs. That kind of work is not typically done by IDWR, and our division administrator has expressed some reservations about our participation. He would prefer the design work be done by a consulting professional. IDWR does understand that permanent measuring devices can be costly. Some funding assistance may be available from the United States Department of Interior's Water 2025 Initiative. Please see their website at <http://www.usbr.gov/water2025>. Ultimately, it is Samaria's responsibility comply with the transfer condition by establishing a means of measurement for Warm Springs.

Meanwhile, the Seamons study is dependent on your cooperation. The requirement that he complete the study is contingent upon the timely installation by Samaria Water and Irrigation Company of a permanent measuring device or Samaria's cooperation with him to install a temporary measurement method for the flows of Warm Springs. Samaria must also allow access to the device. If this support and cooperation is not provided timely, as determined by IDWR, then Mr. Seamons may petition IDWR in writing to re-evaluate the requirement that he study the possibility that his proposed diversion may deplete the flows of Warm Springs.

The main focus and goal of IDWR, in requesting you to install a measuring device is to prevent injury to your senior water rights. We apologize for any inconvenience this may cause, but we feel it is necessary to take a proactive approach in addressing these questions prior to, rather than after, substantial resources are invested into developing new ground water uses that could someday have to be regulated to prevent injury, similar to the Thousand Springs/Eastern Snake Plain aquifer situation. We appreciate the patience and understanding you have shown. Please contact us with any questions regarding this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'Shelley Keen', with a stylized flourish at the end.

Shelley Keen, Manager
Water Right Permits Section

Cc: Candice McHugh
IDWR Eastern Region