



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](http://www.idwr.idaho.gov)

April 17, 2008

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

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~~ <sup>the</sup> 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.

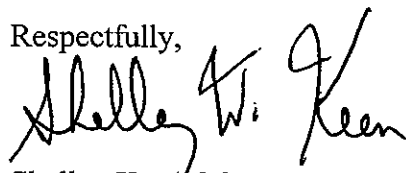
Samaria Water and Irrigation Co.  
April 17, 2008  
Page 2

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". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley Keen, Manager  
Water Right Permits Section

Cc: Candice McHugh  
IDWR Eastern Region

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5276  
WATER RIGHT NO(S). 15-02023/15-02024/15-02025  
15-02074/15-02075

This is to certify that: SAMARIA WATER & IRRIGATION CO  
C/O DAVID EDWARDS  
169 EDWARDS RD  
MALAD ID 83252

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 15-02023 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/31       | 3.00 CFS              | 1088.9 AF            |
| Priority: 03/01/1940  |                      |                       |                      |
| Right No. 15-02024 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/31       | 3.50 CFS              | 1270.4 AF            |
| Priority: 08/28/1940  |                      |                       |                      |
| Right No. 15-02025 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/31       | 22.00 CFS             | 7985.6 AF            |
| Priority: 09/06/1940  |                      |                       |                      |
| Right No. 15-02074 :  |                      |                       |                      |
| IRRIGATION STORAGE    | 01/01 to 12/31       |                       | 500.0 AF             |
| IRRIGATION FROM ST    | 04/01 to 10/31       |                       | 500.0 AF             |
| Priority: 09/27/1937  |                      |                       |                      |
| SUBTOTAL:             |                      |                       | 500.0 AF             |
| Right No. 15-02075 :  |                      |                       |                      |
| IRRIGATION STORAGE    | 01/01 to 12/31       |                       | 700.0 AF             |
| IRRIGATION FROM ST    | 04/01 to 10/31       |                       | 700.0 AF             |
| Priority: 04/18/1947  |                      |                       |                      |

SUBTOTAL:

700.0 AF

TOTAL:

\* 28.50 CFS

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11544.9 AF

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SCANNED  
NOV 17 2005

TRANSFER NO. 5276  
WATER RIGHT NO(S) . 15-02023/15-02024/15-02025  
15-02074/15-02075

| <u>SOURCE</u>                    | <u>TRIBUTARY OF</u> |
|----------------------------------|---------------------|
| Right Nos. 15-02023 & 15-02024 : |                     |
| WARM SPRINGS                     | MALAD RIVER         |
| Right Nos. 15-02025 & 15-02074 : |                     |
| MALAD RIVER                      | BEAR RIVER          |
| Right Nos. 15-02075 :            |                     |
| BIG MALAD SPRING                 | MALAD RIVER         |
| MALAD RIVER                      | BEAR RIVER          |

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 15-02023 & 15-02024 :  
NENE , Sec. 3, Township 15S, Range 35E

Right No. 15-02025 :  
SENE , Sec. 22, Township 14S, Range 35E

Right No. 15-02074 :  
SWNW , Sec. 22, Township 14S, Range 35E

Right No. 15-02075 :  
SENE , Sec. 16, Township 14S, Range 35E  
ONEIDA County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 14S        | 35E        | 22         | SWNE 20      | SENE 40      | SENE 20      |              |
|            |            |            | NESW 40      | SWSW 10      | SESW 40      |              |
|            |            |            | NESE 40      | NWSE 40      | SWSE 40      |              |
|            |            |            | SESE 35      |              |              | 325          |
|            |            | 23         | SWNW 40      | SENE 40      | NESW 40      |              |
|            |            |            | NWSW 40      | SWSW 40      | SESW 40      |              |
|            |            |            | NWSE 40      | SWSE 40      |              | 320          |
|            |            | 26         | NWNE 40      | SWNE 40      | NENW 40      |              |
|            |            |            | NWNW 40      | SWNW 40      | SENE 40      |              |
|            |            |            | NESW 40      | NWSW 40      | SWSW 40      |              |
|            |            |            | SESW 40      |              |              | 400          |
|            |            | 27         | NENE 40      | NWNE 40      | SWNE 40      |              |
|            |            |            | SENE 40      | NENW 40      | NWNW 20      |              |
|            |            |            | SWNW 20      | SENE 40      | NESW 40      |              |
|            |            |            | NWSW 25      | SWSW 25      | SESW 40      |              |
|            |            |            | NESE 40      | SESE 20      |              | 470          |
|            |            | 34         | NWNE 40      | SWNE 40      | SENE 40      |              |
|            |            |            | NENW 35      | NWNW 10      | SENE 25      |              |
|            |            |            | NESE 40      | NWSE 40      | SWSE 20      |              |
|            |            |            | SESE 40      |              |              | 330          |

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TRANSFER NO. 5276  
WATER RIGHT NO(S). 15-02023/15-02024/15-02025  
15-02074/15-02075

## PLACE OF USE: IRRIGATION

| TWN | RGE | SEC  | ACRES |      | ACRES |      | ACRES |     | TOTAL |
|-----|-----|------|-------|------|-------|------|-------|-----|-------|
| 15S | 35E | 1    | NENW  | 40   | NWNW  | 10   | SWNW  | 40  | 450   |
|     |     |      | SENW  | 40   | NESW  | 40   | NWSW  | 40  |       |
|     |     |      | SWSW  | 40   | SESW  | 40   | NESE  | 40  |       |
|     |     |      | NWSE  | 40   | SWSE  | 40   | SESE  | 40  |       |
|     |     |      | NWSW  | 40   | SWSW  | 40   | SESW  | 40  |       |
|     |     |      | SWSE  | 20   | SESE  | 20   |       |     |       |
|     | 36E | 2    | NENE  | 40   | NWNE  | 40   | SWNE  | 40  | 160   |
|     |     |      | SENE  | 40   | NENW  | 40   | NWNW  | 40  |       |
|     |     |      | SWNW  | 40   | SENW  | 40   | NESW  | 40  |       |
|     |     |      | NWSW  | 40   | SWSW  | 40   | SESW  | 40  |       |
|     |     |      | NESE  | 40   | NWSE  | 40   | SWSE  | 40  |       |
|     |     |      | SESE  | 40   |       |      |       |     |       |
| 3E  | 3   | NENE | 40    | NWNE | 40    | SWNE | 40    | 640 |       |
|     |     | SENE | 40    | NENW | 40    | NWNW | 40    |     |       |
|     |     | SWNW | 40    | SENW | 40    | NESW | 40    |     |       |
|     |     | NWSW | 40    | SWSW | 40    | SESW | 40    |     |       |
|     |     | NESE | 40    | NWSE | 40    | SWSE | 40    |     |       |
|     |     | SESE | 40    |      |       |      |       |     |       |
| 10E | 10  | NENE | 40    | SENE | 40    | NESE | 30    | 130 |       |
|     |     | SESE | 20    |      |       |      |       |     |       |
|     |     | NENE | 15    | SENE | 15    | NESE | 25    |     | 65    |
|     |     | SESE | 10    |      |       |      |       |     |       |
|     |     | NENE | 40    | NWNE | 40    | SWNE | 40    |     |       |
|     |     | SENE | 40    | NENW | 40    | NWNW | 40    |     |       |
| 11E | 11  | SWNW | 40    | SENW | 40    | NESW | 40    | 640 |       |
|     |     | NWSW | 40    | SWSW | 40    | SESW | 40    |     |       |
|     |     | NESE | 40    | NWSE | 40    | SWSE | 40    |     |       |
|     |     | SESE | 40    |      |       |      |       |     |       |
|     |     | NENE | 40    | NWNE | 40    | NENW | 40    |     |       |
|     |     | NWNW | 40    | SWNW | 20    | SENW | 5     |     |       |
| 12E | 12  | NESW | 30    | NWSW | 40    | SWSW | 40    | 365 |       |
|     |     | SESW | 40    | SWSE | 30    |      |       |     |       |
|     |     | NENE | 25    | NWNE | 40    | SWNE | 40    |     |       |
|     |     | SENE | 40    | NENW | 40    | NWNW | 40    |     |       |
|     |     | SWNW | 40    | SENW | 40    | NESW | 40    |     |       |
|     |     | NWSW | 40    | SWSW | 40    | SESW | 40    |     |       |
| 13E | 13  | NESE | 40    | NWSE | 40    | SWSE | 40    | 625 |       |
|     |     | SESE | 40    |      |       |      |       |     |       |
|     |     | NENE | 40    | NWNE | 40    | SWNE | 40    |     |       |
|     |     | SENE | 40    | NENW | 40    | NWNW | 35    |     |       |
|     |     | SWNW | 30    | SENW | 40    | NESW | 30    |     |       |
|     |     | NWSW | 5     | SESW | 10    | NESE | 40    |     |       |
| 14E | 14  | NWSE | 40    | SWSE | 40    | SESE | 40    | 510 |       |
|     |     | NENE | 35    | NWNE | 35    | SWNE | 35    |     |       |
|     |     | SENE | 20    | NESE | 20    | NWSE | 20    |     |       |
|     |     | SESE | 15    |      |       |      |       |     |       |
|     |     |      |       |      |       |      |       |     |       |
|     |     |      |       |      |       |      |       |     |       |

180

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TRANSFER NO. 5276  
WATER RIGHT NO(S). 15-02023/15-02024/15-02025  
15-02074/15-02075

PLACE OF USE: IRRIGATION

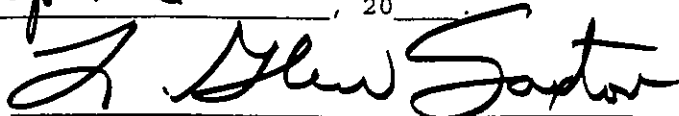
| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 24                               |            | NENE       | 40           | NWNE         | 40           | 630          |
|                                  |            | SENE       | 40           | NENW         | 40           |              |
|                                  |            | SWNW       | 40           | SENW         | 40           |              |
|                                  |            | NWSW       | 40           | SWSW         | 30           |              |
|                                  |            | NESE       | 40           | NWSE         | 40           |              |
|                                  |            | SESE       | 40           |              |              |              |
| 25                               |            | NENE       | 40           | NWNE         | 35           | 90           |
|                                  |            | NENW       | 10           |              |              |              |
| 36E                              | 30         | NENW       | 8            | NWNW         | 11           | 140          |
|                                  |            | SENW       | 10           | NESW         | 20           |              |
|                                  |            | NWSE       | 40           |              |              |              |
|                                  |            |            |              |              |              |              |
| Total number of acres irrigated: |            |            |              |              |              | ** 7110      |

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under these rights may be affected by an agreement between the protestant and the right holder.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Prior to diversion of water under this approval, the right holder shall 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.
- \* 5. The total instantaneous diversion of water from all points of diversion under Transfer 5276 shall not exceed 28.50 cfs.
- \*\* 6. Right 15-02023 is limited to the irrigation of 3215.0 acres in the place of use described above in a single irrigation season.
- \*\* 7. Right 15-02024 is limited to the irrigation of 3215.0 acres in the place of use described above in a single irrigation season.
- \*\* 8. Right 15-02025 is limited to the irrigation of 6735.0 acres in the place of use described above in a single irrigation season.
- \*\* 9. Rights 15-02023 and 15-02024 when combined shall not exceed the irrigation of 3,215 acres, and when combined with Right 15-02025 shall not exceed the irrigation of 6,735 total acres.
- \*\* 10. The right holder shall cease irrigation of 10 acres previously authorized under this right, and consolidate use of water on the remaining 7,110 acres.
11. Approval of Transfer 5276 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 3<sup>rd</sup> day ofApril

, 20

00
  
 Chief, Water Allocation Bureau

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