



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 13, 1999

Box Canyon Dairy  
Attn: Scott Haig  
PO Box 140  
Wendell, ID 83335

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

RECEIVED

SEP 15 1999

Department of Water Resources  
Snake River District

Re: Transfer No. 5500 involving Water Rights ~~36-04117~~ & ~~36-02535~~  
Point Of Diversion: T08S R14E Sec 25 NWNWSW (36-04117)  
Point Of Diversion: T08S R14E Sec 15 SWSW (36-02535)

Dear Mr. Haig:

This letter is a follow up to our phone conversation of September 13, 1999 regarding the above transfer and points of diversion. You will recall that IDWR had identified some problems related to water right 36-04117. Specifically, measurements that staff made in 1995 and 1996 showed that the number of acres irrigated and amount of water diverted from the well in Section 25 exceeded the amounts authorized by the water right. It appears that Transfer Application No. 5500 sufficiently addresses this problem by moving a portion of right 36-02535 to the well in Section 25. IDWR appreciates the fact that you have recognized this problem and have taken steps to correct it.

The purpose of my contacting you was to advise you that the rate of diversion from the well in section 15 for the remaining portion of right 36-02535, if the transfer is approved, will be reduced to 0.71 cubic feet per second (cfs). The original licensed rate of diversion was 1.42 cfs. You should be aware that unless the pumping plant and/or system at the section 15 well is modified, Box Canyon Dairy may potentially be at risk in the future of exceeding the 0.71 cfs diversion rate under the remaining portion of right 36-02535.

Enforcement of rate of diversion for ground water rights is one of a number of issues that is presently being reviewed by the Department as it develops water management rules. I am not sure how this issue will ultimately be resolved. However, I did feel that it is appropriate to advise you of the issue while the transfer application is now being processed.

Please do not hesitate to contact me if you have questions concerning this matter. Thank you again for your continued cooperation.

Sincerely,  
  
Tim Luke

Cc: Jeff Martin, North Snake Ground Water Dist.  
IDWR Southern Region  
Pam Skaggs, IDWR