



State of Idaho

DEPARTMENT OF WATER RESOURCES

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May 8, 1998

Felton & Felton, Attorneys
ATTN: Mike Felton Jr.
1020 Main
Buhl, ID
83316

RE: Decreed Water Right 36-04117, Box Canyon Dairy

Dear Mr. Felton;

As a followup to our conversation of earlier this week, I visited the irrigated land north of the dairy. I also talked to Tom Heida regarding the operation of his irrigation system. As the place of use of this water right is now completely different than what was decreed, a transfer needs to be filed to record this change. The decree allows 25 acres of irrigation from the well; at the standard allowance of 4.0 acre feet of water per acre per year, 100 acre feet of water per year can be pumped from the well. But instead of the 25 acres that were licensed, the well now irrigates about 70 acres by supplementing wastewater from the dairy. As long as the flow rate and volume of water allotted from this well are adequate to run the pivot and corner handlines on the 70 acres, a transfer can be filed to create a permissible place of use of 25 acres within the overall place of use; it is not necessary to move additional groundwater rights to the property.

If I can be of further assistance in this matter, feel free to contact me. While the use of water outside of the decreed place of use is a violation of Idaho law, we are only seeking compliance at this time. The timely filing of an application for transfer will get things moving in the proper direction.

Regards,

James E. Stanton
Sr. Water Resource Agent

cc: Tom Heida