



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 13, 2004

NORTH SIDE PIPELINE CO INC
C/O SCOTT CRANE
24761 HWY 30 N
MONTPELIER ID 83254

RE: Water Right No. 11-7119

Dear Scott:

The Department of Water Resources (IDWR) is once again trying to issue a water right license for the development that occurred in accordance with Water Appropriation Permit 11-7119. You may recall that we corresponded about the original draft license in 1998. The license was not issued because IDWR did not receive additional information about the diversion rate and place of use that you were asked to provide. You did, however, sign and return the application for amendment that is required to adjust the place of use for your permit before the license can be issued. The application for amendment that you submitted was based on the original draft license. Since you submitted the application for amendment, IDWR has adopted new tools and standards that have resulted in some changes to the proposed license. I have incorporated the changes into a new application for amendment, which is intended to replace the one you submitted earlier. If you sign and return the enclosed amendment form, IDWR will view it as replacing the previous version.

There are a number of differences between the former version of the draft license and the current version. The first difference is the diversion rate of 2.40 cfs (1077 gpm). As you may recall, IDWR's field examiner recommended licensing 3.26 cfs (1465 gpm) based on his flow measurements taken August 28, 1997. The recommendation of 3.26 cfs does not seem to agree with other information in the water right file, however. In his June, 1997, letter requesting reinstatement of the permit after it had lapsed, Don Crane indicated that the rate should be 2.4 cfs (1077 gpm). On August 28, 1997, Mitch Greer of Shepherd Engineering in Pocatello called IDWR and said that he had measured the diversion rate from the well at "roughly" 1.34 cfs (600 gpm). In addition, IDWR's field examiner reported a mainline pressure of 12 psi, which suggests that your system was not fully pressurized when his measurement of 3.26 cfs was taken. This was corroborated by your statement that the field examiner took his measurement while the system was discharging onto the ground via a large hose or pipe. Such a measurement would not be consistent with the operation of a pressurized sprinkler system. A theoretical calculation of the probable diversion rate for the system suggests that it could pump about 2.40 cfs. Because 2.40 cfs also seems to match what Don Crane believed had been developed, IDWR is

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recommending issuance of the license for 2.40 cfs. I have been told that a second measurement is not possible because your original pump and motor have been replaced.

The revised amendment form also shows a slight change in the place of use when compared to the original. IDWR's field examiner recommended issuing a license for the irrigation of 350 acres within a 398-acre area. The 350-acre limit is required because your permit was for only 350 acres. Since 1998, IDWR has adopted the use of geographic information system technology to verify the size and location of water right places of use. Using the GIS system, I have recalculated the place of use described by the examiner to be 400.5 acres.

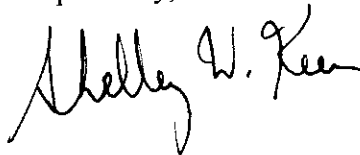
The season of use recommended for licensing is also different. It has been changed to the new standard season for your area, which is April 1 to October 31.

And finally, IDWR is still concerned about the ownership of this right. According to the Secretary of State, North Side Pipe Line Co. ceased to exist in 1990. The parcels comprising the place of use for this water right appear to be owned by the following people: P. Kent Crane, Nadine G. Hayes, Linda L. Crane, and Bryant M. Robison. New water right owners are required by statute to notify IDWR of the change. Please complete the enclosed Notice of Change of Water Right Ownership form and submit to IDWR with the revised application for amendment.

I will hold your water right file for thirty days to give you an opportunity to submit the amendment and ownership change forms. If IDWR does not receive the amendment within 30 days, a license will be issued for the portion of the development that conforms to the permit.

If you have any concerns or questions about this matter, please contact me at 208-327-7946.

Respectfully,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley Walter Keen
Water Rights Supervisor

Enclosures