



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

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SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 13, 2004

SCHENK LAND & CATTLE LP
1380 S 50 W
BURLEY ID 83346

RECEIVED
NOV 15 2004
Department of Water Resources
Southern Region

RE: Notice of Error for 45-4027 and 45-4258A

Dear Mr. Schenk,

I have increased the total diversion rate for 45-4027 to 6.28 cfs (314 inches, or 2818 gpm) per the information you submitted from Gail Staley. This equates to 1.6 cfs for each of the first two wells and 3.08 cfs for the third well, up from 2.5 cfs.

As for 45-4258A (diversion from Land Creek for the feedlot), is this **surface water** your only water right for the feedlot? I have some concerns as to how you water the cows during times of low flow. You indicated that the NESE and the SESE of Section 25 should also be included in the feedlot but those acres were claimed by and recommended to Elquist Ranches as irrigation. Did you buy any water rights with this land that perhaps we need to split with Elquist? At any rate, a transfer will need to be filed in order to recognize these acres on your feedlot since the change took place after the commencement of the adjudication in 1987.

Please call for an appointment if you wish to start the transfer process or have other information regarding the Elquist rights.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent