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MAR 21 2005

DEPARTMENT OF
WATER RESOURCES

March 17, 2005

Mr. Gary Spackman
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83720-0098

RE: Conditions on Approved Transfer for Broken Arrow Farms, # 71617

Dear Gary:

Regarding approved Transfer 71617 (March 7, 2005), I have questions about some of the conditions that were placed on each water right, specifically conditions 5 & 6 on 61-2186, 61-2220, 61-7060, and 61-7222, which require a flow-measuring device and annual reporting for each point of diversion listed. During the pre-hearing conference held on February 25, 2005, an agreement (attached) was reached to monitor the water supply to the dairy so that the actual use at the dairy does not exceed what the transfer intended.

As I interpret the Approval, I need to install flow meters at all three wells; the mainline to the dairy is not mentioned. The well located in the NENESE will be the primary supply for the dairy and irrigation of the 160 acres east of the dairy. Two other wells are listed, but serve the dairy only as backup in the event of a pump failure. These two other wells are primarily used for irrigating the ground west of the dairy. Regardless of which pump is operating, any water going to the dairy passes through a single mainline. The intent of the agreement as I understood it was to monitor the flow in this single mainline so we can demonstrate that the conversion from irrigation to stockwater and commercial does not enlarge the water rights. Irrigation of the rest of the farm will continue as it has, but with fewer acres due to the construction of the dairy. Monitoring irrigation usage in this area of Mountain Home is not common.

I am concerned that the way the conditions are worded that the intent of the agreement I have with the protestants will not be satisfied. If possible, could you please clarify/revise the conditions to require a flow meter and reporting requirement for the dairy operation and remove the conditions that require new meters and reporting on the irrigation portion? Thank you for your consideration.

If you have any questions or comments, please call Steven Hannula at ERO (373-7983) or myself (590-1687).

Regards,


Jim Blanksma