



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 2, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GIVENS PURSLEY
MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701

COPY

RE: APPLICATION FOR TRANSFER FOR EUREKA WATER CO.

Dear Mr. Creamer:

This letter is to confirm our telephone conversations on 1/16/2004 and 1/20/2004 concerning issues related to number of acres retired for the Eureka Water Company transfer. Through negotiations with our State Office Staff, Daniel Steenson, and yourself, our State Office staff agreed to allow several options for determining the number of acres that needs to be retired for this transfer.

In our telephone conversation you stated that you believed that the Eureka Water Company would prefer to use the one acre of irrigation for one acre of pond surface area method. This method would require changing the nature of use of the water used for 8.1 acres of irrigation under the Eureka Water Company right to Groundwater Recharge, instead of the 10.5 acres listed on the amended transfer application and the 7.5 acres listed on the original transfer application.

You still have the opportunity to use any of the other methods if you chose, but we will need confirmation of what method Eureka Water Company plans to use. If you choose to calculate the historic consumptive use with precipitation, then you will also need to supply the calculations, so we can review those calculations to see if they adhere to an acceptable method of calculating evaporation.

We also discussed if a new amendment was needed. I contacted Jeff Peppersack in our State Office about this issue. Mr. Peppersack informed me that we could accept a letter from Eureka Water Company or their attorney agreeing to reduce the 10.5 acres and associated water use from the amended transfer to 8.1 acres. The reasoning behind this decision is that we will be reducing the number of acres being retired as a result of negotiation between the parties involved and the department. If these negotiations had not taken place or there was an increase in the number acres being retired, then the department would have needed an amendment.

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application. Once we receive the letter from Eureka Water Company, we will proceed with the processing of the application for transfer.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", followed by a long horizontal flourish.

Daniel A. Nelson
Sr. Water Right Agent

cc Ringer Clark – Daniel Steenson