



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 24, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DON PARKER
MONTEVIEW CANAL COMPANY
2032 WEST 4200 SOUTH
REXBURG ID 83440

RE: Water Right Transfer No. 71045

Dear Don:

As you requested, I have researched the water right files for Montevieu Canal Company to find the answers to the concerns raised in your June 16, 2004, letter to me.

Your first concern was about the purpose of Transfer 71045. According to the original application filed by Montevieu Canal Company, the transfer was filed to accomplish two things. The first purpose of the transfer was to add two points of diversion (wells), one in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T8N, R33E, and one in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T8N, R33E. Those two new points of diversion are listed on each of the water rights involved in the transfer. For example, see the list of points of diversion for Right 31-11814 on page 3. Water right points of diversion are the locations where water is taken from a natural water body. Water right documents typically do not describe the locations of headgates on ditches and other details of the distribution system for the water. For that reason, transfer 71045 did not address the location of the headgate for the Fransen property. The second purpose of the transfer was intended to correct the place of use description in Sec. 36, T8N, R33E, to show 30 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 10 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$. That change is also shown on each of the water rights involved in the transfer. For example, see the land list on page 4.

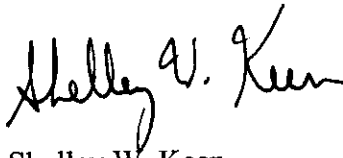
Your second concern was about the acre limits listed on page 1 of Transfer 71045 and also in the approval conditions for many of the rights. Those acre limits are taken directly from the partial decrees issued for the rights. For example, the amended partial decree issued for Right 31-2294 (now Right 31-11826) says on page 3, "This right is limited to the irrigation of 800 acres within the place of use described above in a single irrigation season." I have enclosed a copy of the partial decree document for your reference. The reason for the acre limit is that the water right cannot be enlarged beyond the original licensed amount of 800 acres. I have also enclosed a copy of the old license for you. The acre limits are less than originally decreed because portions of the rights were split off for other purposes in Transfers 69745 (Caudle) and 70809 (Engberson). The sum of the acres authorized for irrigation by Transfer 71045 is 5295.0. The acre limit for rights 31-11832, 31-11760, 31-11762, 31-11764, and 31-11766 is listed as "N/A" because they are not limited to anything less than the total place of use of 5295.0 acres.

Don Parker
June 24, 2004
Page 2

Your third concern was about the total combined diversion rate of 150.95 cfs listed on the rights in Transfer 71045. The "missing" 1.35 cfs was addressed in Transfer 69745 (Caudle). Montevue Canal Company's rights were decreed for 156 cfs on 5480 acres, or 0.02846 cfs per acre. The amount over 0.02 cfs per acre is attributable to conveyance losses. When 160 acres went to Caudle, so did 160 acres times 0.0285 cfs, or 4.55 cfs. Because Caudle is using a well adjacent to his place of use, and possibly a sprinkler system as well, he does not have conveyance losses. Therefore, his right was limited to 0.02 cfs per acre, or 3.20 cfs.

I hope I have provided satisfactory explanations to all of your concerns. If you have more questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

A handwritten signature in black ink, reading "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen
Water Rights Supervisor