



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 16, 2005

Kleiner Brothers
326 N. Orchard
Boise, ID 83706

RE: Groundwater Use Under Water Rights 63-5088 and 63-10412

Sirs:

The Department of Water Resources recently received an inquiry regarding irrigation at the place of use for water rights 63-5088 and 63-10412, which is the northwest and northeast corners of the intersection of Eagle Road and Fairview Avenue. Our records indicate you are the owners of these rights. The inquiry was regarding whether reported irrigation that was observed sometime around February 8th, 2005 was supported by a valid water right. The inquiry was based on a concern that operation of the irrigation wells has an adverse effect on domestic water supply wells in the area.

The Department did not verify the reported irrigation. However, the conditions of these two water rights list the period of use for both rights as March 15 through November 15. Any diversion of groundwater outside these dates is a violation of the water right and the user may be subject to Notice of Violation and possibly a fine of up to \$10,000. This letter is a reminder that irrigation under these rights is not to occur until March 15th.

Regarding the concern for domestic well users in the area, it is unclear at this point if the domestic well owners have a valid complaint against your operation of the irrigation wells. However, it may be in your interest as a member of the community to limit the use of these wells to the amount absolutely necessary. Although it doesn't appear to be a condition of your water right, you may consider using surface water, if available, before groundwater. This will help limit the basis for complaints against your operation by domestic well owners.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nick Miller'.

Nick Miller
Water Distribution Section

cc: IDWR Western Region

State of Idaho

Department of Water Resources

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

Date: February 16, 2005

To: Judy Ellis

Fax #: (208) 376-1859

From: Cindy Dalby
Water Distribution
cynthia.dalby@idwr.idaho.gov
(208) 287-4958

Pages to follow: 1

Copy of letter per Nick Miller.

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