



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

July 3, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

VIA EMAIL

David R. Pingree
21921 Via Del Lago
Trabuco Canyon, CA 92679

RE: Measurement and Control for Water Right No. 71-10103

Dear Mr. Pingree:

This letter is a follow up to your letter of April 4, 2007 and our subsequent phone conversations. You had asked to be exempted from the February 20, 2007 order requiring controlling works and measuring devices in Water District No. 170 because you have not been actively using the water right. However, you have indicated that the east pasture has been passively irrigated and you now wish to begin actively irrigating the property and no longer seek an exemption from the order. You had asked me to visit the property and suggest options for complying with the order.

I visited the property earlier this month to inventory the three points of diversion listed on the water right and note any associated ditches. I have attached a proof report for water right 71-10103 and a map for your reference. The map shows the approximate locations of the points of diversion, the place of use for WR#71-10103, the property boundaries, and some of the old ditches and channels around the west pasture.

Although the east pasture is well watered, I did not find a ditch that irrigated that land from the easternmost point of diversion. It appears the east pasture is passively irrigated from numerous old stream channels, swales, perhaps old ditches, and is perhaps naturally a wet lowland area.

The two points of diversion that could be used to irrigate the west pasture have no structures or controlling works. However, ditches lead from these points of diversion to the west and south, as shown on the attached map. These ditches and diversion points appear to have not been used for some time and will likely require maintenance prior to use.

The bulk of the irrigation place of use is to the south of the two pastures. This area does not appear to be watered at this point.

With regard to compliance with the measurement and controlling works order, the ditches on the west pasture are relatively small and could be measured with a prefabricated flume or a v-notch weir. These ditches could be controlled with either prefabricated or custom made, small, locking slide gates. At this point, I don't see a way to measure the irrigation on the east pasture and it appears a ditch would have to be constructed to bring water from the easternmost point of diversion to the irrigation place of use. For the sake of convenience and economy, you might consider installing a head gate and measuring device on only one point of diversion, probably the northernmost or the westernmost, and using the existing ditches to water the west and perhaps

Mr. David R. Pingree

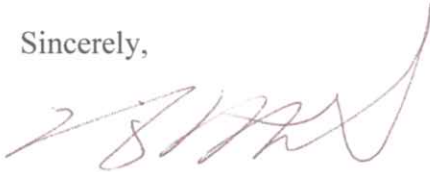
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the southern pastures. Note that you will not be able to utilize the other points of diversion unless they are brought into compliance with the order.

I hope this information is helpful. Feel free to contact me if I can be of any further help or if you have any questions regarding this issue. Please forward your plans for complying with the order to IDWR as early as possible to allow time for review and approval prior to construction.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Miller", written in a cursive style.

Nick Miller

Water Distribution Section

enclosures:

Proof Report for Water Right 71-10103 (2 pages)

Map of Pingree property and water right (1 page)

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-10103

WATER RIGHT NUMBER: 71-10103

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID R PINGREE JR FAMILY LLC 818 TONI COURT INCLINE VILLAGE, NV 89451 (775) 832-2175
Previous Owner	SABEY D PINGREE TRUST 1171 CHANDLER DR SALT LAKE CITY, UT 84103 (801)364-8056
Trustee	SABEY D PINGREE 1171 CHANDLER DR SALT LAKE CITY, UT 84103 (801)364-8056
Original Owner	FRANC D HANNA , ID
Original Owner	BURTON W DRIGGS GOODING, ID 83330
Trustee	DAVID R PINGREE 1171 CHANDLER DR SALT LAKE CITY, UT 84103 (801)364-8056

Priority Date: 02/26/1923
 Basis: Decreed
 Status: Active

<u>Source</u>	<u>Tributary</u>
LOST CREEK UNNAMED STREAM	SINKS LOST CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	12/31	0.040 CFS	
IRRIGATION	5/01	10/31	1.600 CFS	
STOCKWATER	1/01	12/31	0.030 CFS	
	<u>Total Diversion:</u>		1.600 CFS	

<u>Location of Point(s) of Diversion</u>			
LOST CREEK CUSTER County	NW1/4NW1/4SE1/4	Sec. 35,	Twp 08N, Rge 14E, B.M.
UNNAMED STREAM CUSTER County	SW1/4NW1/4SE1/4	Sec. 35,	Twp 08N, Rge 14E, B.M.
LOST CREEK CUSTER County	SE1/4NE1/4SW1/4	Sec. 35,	Twp 08N, Rge 14E, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 71-10103

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	14E	2					2.0	6.0											8.0
							L 3	L 4											
08N	14E	35								8.0		10.0	18.0		1.0	1.0			38.0

Total Acres: 46

DOMESTIC same as IRRIGATION

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. C13 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
2. DOMESTIC USE FOR 1 HOUSE, STOCKWATER FOR 50-100 BEEF CATTLE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 288.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Notes: The locations shown on this map are approximate.
Ditches other than those shown may exist on the property.

