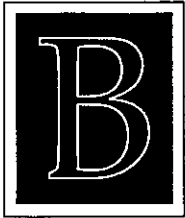


RECEIVED

APR 24 2007

DEPARTMENT OF  
WATER RESOURCES

*Nick,  
Ply investigate &  
prepare a response.  
Tim*



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 9, 2007

Mr. Tim Luke  
Idaho Department of Water Resources  
322 E. Front Street  
PO Box 83720  
Boise, Idaho 83720-0098

Re: Water right 71-10107 / Christianson  
Request for Exemption from Measuring Device Requirement

Dear Mr. Luke:

We represent Jon and Wei Christianson, the owner of water right 71-10107 appurtenant to land adjacent to the Salmon River near Fourth of July Creek. The water right authorizes 2.0 cfs for irrigation of 33.1 acres from several spring sources and a wastewater source. The water right is located within Water District 170, and is subject to the conditions outlined in a recent Order (preliminary order dated February 20, 2007) requiring measuring devices on diversion from the Salmon River and its tributaries in this water district.

The purpose of this letter is to request an exemption from Paragraph 1 of the Order pursuant to provisions outlined in Paragraph 1c of the Order. The basis for this request is that physical conditions related to the collection and distribution of the water authorized under 71-10107 preclude meaningful water measurement. Mr. Christianson has described to me the nature of the spring water collection and distribution, and has prepared the attached aerial map. The map depicts eleven areas where spring water may arise and potentially flow to the irrigated land, which is approximately the eastern half of the green area shown in the photo. Most of the spring areas consist of "subby" areas of saturated ground, which may or may not flow depending on the time of year and the overall water supply in the basin. Some of the springs located in the NE1/4 SW1/4 Section 9 are informally collected in ditches in order to keep water off the access road and more efficiently route the water to the irrigated area. However, the other spring areas are not collected and it would be difficult to install collection systems in these areas.

Due to topographic constraints, the distributed nature of most of the spring seepage, and the wide spatial distribution of the spring areas, the installation of collection systems, measuring devices, and lockable diversion works according to Paragraph 1 of the Order would be burdensome in this case.

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

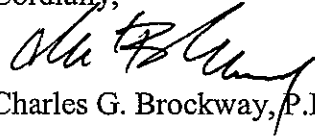
TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

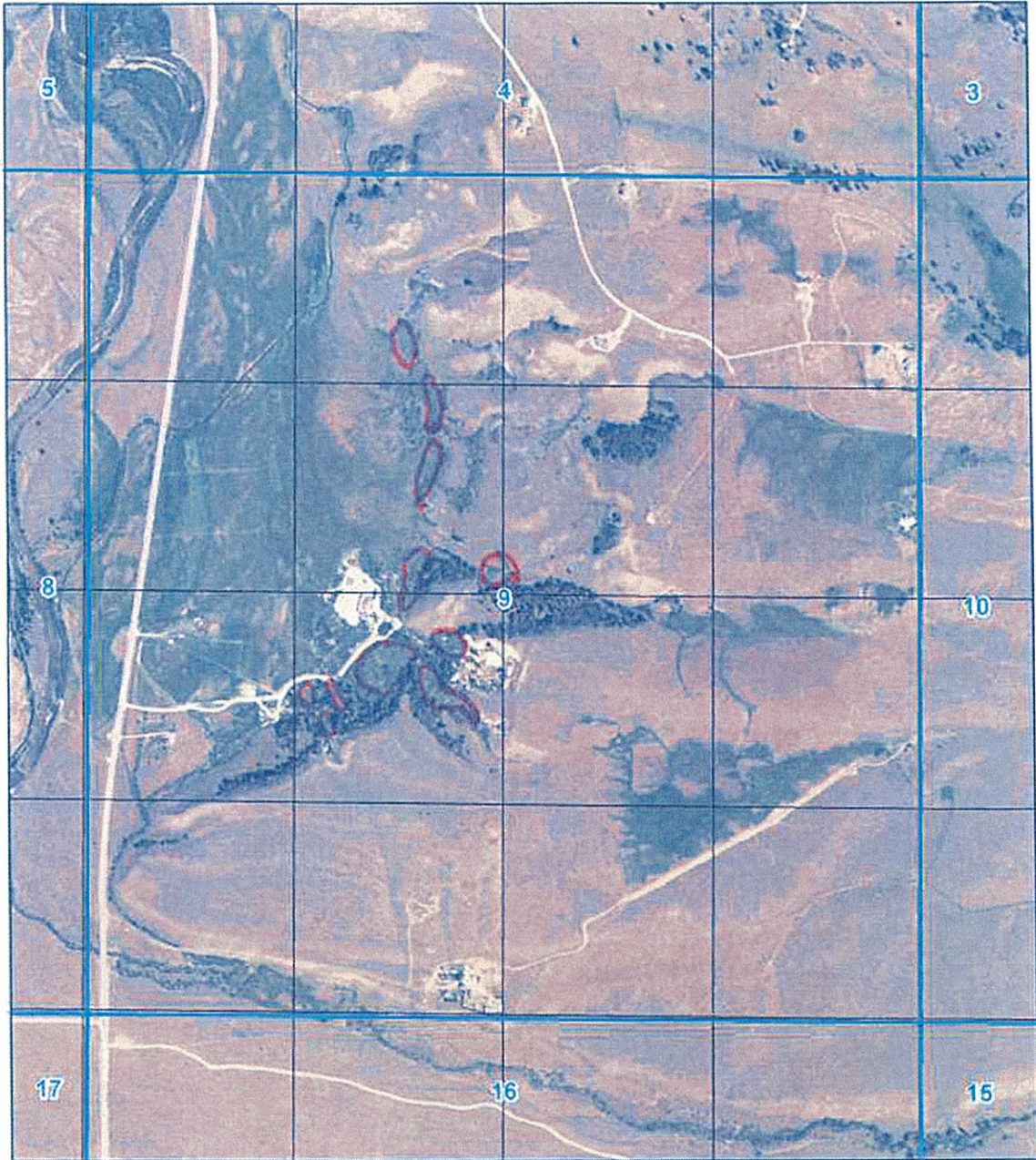
Please review this information and feel free to contact me if you have any questions or need additional information. I would request that the Department issue a decision on this matter in a timely manner prior to the commencement of the 2007 irrigation season.

Cordially,

A handwritten signature in black ink, appearing to read "Charles G. Brockway".

Charles G. Brockway, P.E.

Enc. Aerial map showing spring areas  
Cc: Gary Slette, Atty.  
Jon Christensen



JON L CHRISTIANSON  
NAIP 2004 AERIAL PHOTO

Legend

- Sections
- 08n14e



BROCKWAY ENGINEERING, PLLC  
ALR - MARCH 20, 2007