



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 10, 2010

Gale Moser, President
Cub River Irrigation Co.
1864 South Hulls Crossing
Preston, ID 83263

Regan Wheeler, Manager
Cub River Irrigation Co.
1820 S 800 E
Lewiston, UT 84320

Re: Cub River Irrigation Company's Water Rights Place of Use; Middle Ditch Measuring Device

Dear Gentlemen,

The Idaho Department of Water Resources ("IDWR" or "Department") has learned that the Cub River Irrigation Company ("CRIC") may be delivering water to lands that are not included within the CRIC's water rights place of use or service area. Specifically, the Department has become aware that CRIC shareholders are using CRIC shares within the W1/2 of Section 7, Township 6 South (T6S) and Range 40 East (R40E). The place of use service area as described in CRIC's water rights is shown in the attached map. You will note that the service area boundary includes the section line boundary between Section 7, T6S, R40E and Section 12, T6S, R39E, as well as the range boundary between Ranges 39E and 40E. Lands east of this of the section 7 and 12 boundary (or lands in Section 7) and the Range 39E and 40E boundary are not included within CRIC's water rights service area. The Department is aware that CRIC filed a water right transfer application in 1997 involving its primary irrigation rights and we note that lands in T6S and R40E were not included in the place of use service area descriptions.

The purpose of this letter is to advise CRIC of this potential water right and delivery place of use discrepancy. If you believe our water rights records or information is not correct, please contact us immediately to clarify our understanding of the CRIC water rights and service area. If there are discrepancies between the current delivery area and the service area described by CRIC's water rights, then the Department asks CRIC's cooperation in identifying all such discrepancies and correcting those discrepancies through filing any necessary water right transfer applications. The Department asks that you respond to this correspondence and this place of use discrepancy issue by August 24, 2010.

This letter also requests that you immediately advise the Department about the status of the installed Acoustic Doppler Flow Meter (ADFM) on the Cub River Middle Ditch. The watermaster has informed the Department that the measuring device accuracy issues identified in the Department's correspondence of May 13, 2010 have not yet been addressed or corrected.

You may contact me directly at 208-287-4959, via e-mail at tim.luke@idwr.idaho.gov or by writing at the address listed on this letterhead to discuss or respond to the two issues raised in by this correspondence. I look forward to your prompt reply.

Sincerely,

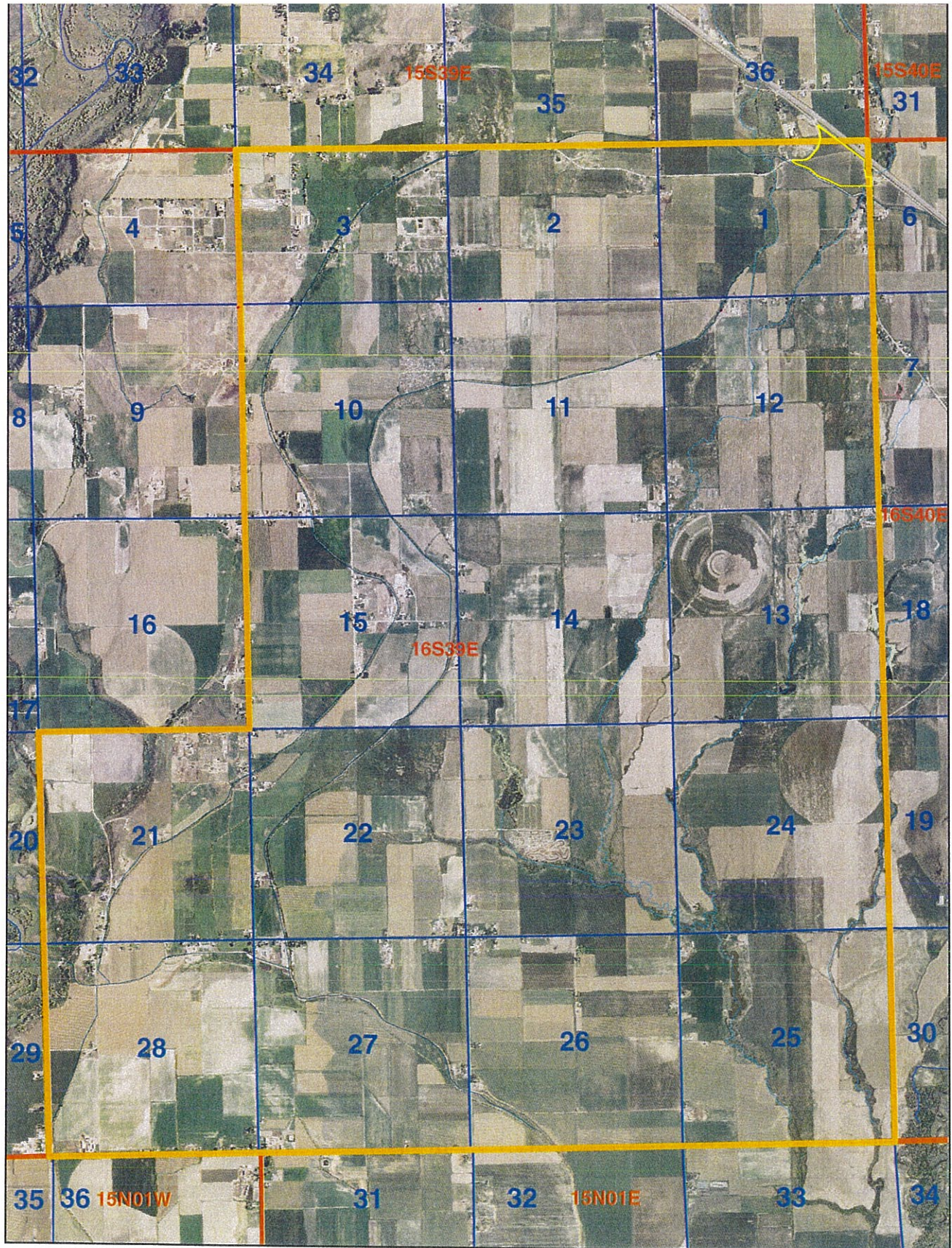


Tim Luke

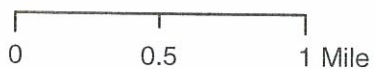
Water Distribution Section

Encl: Map of Cub River Irrigation Company Water Right Place of Use Service Area

Cc: Troy Foster, WD13-A Watermaster
TJ Budge, Attorney, CRIC
James Cefalo, IDWR Eastern Region
Scott Campbell, Attorney, Spring Creek Water Users



**Water District 13- A Area
Cub River and Worm Creek**



Legend

-  Cub River Irr Co
-  Basin Boundary (State Line)
-  Township/Range
-  Sections