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FEB 23 2006

DEPARTMENT OF
WATER RESOURCES

7680 Appaloosa Lane
Emmett, ID 83617
February 20, 2006
208-365-3776

Michael Ciscell, Sr. GIS Analyst
Adjudication Bureau
Idaho Dept of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Sir:

Re: Allocation of water 69-4103B & 69-4104B

Conditions of approval:

4. Right Nos. 69-4103B & 4104B are limited to a total combined diversion rate of 1.94 cfs.

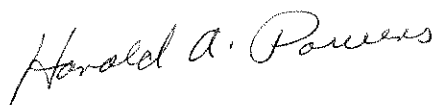
Comment:

This allows the claimant to divert 1.94 cfs from Crooked River for the entire season and use it on any land either Crooked River and/or Moonshine Creek land. Or, it allows the claimant to divert Moonshine Creek water at the rate of 1.94 cfs for the entire season and use it on any land either Crooked River land and /or Moonshine Creek land.

This is illegal for it allows the diversion rate of water to be calculated twice on the overlap acreage. The acreage irrigated from the two sources must be separated, that is divided. Then the diversion rate is calculated on each acreage for each source not on the overlap acreage for each source. That overlap acreage is being used twice to calculate the diversion rate once for each source. This is illegal.

The proper diversion rate should be (estimated 67 acres Crooked River=1.34 cfs, and 30 acres Moonshine Creek=0.60 cfs total = 1.94 cfs). The two sources cannot be combined but the water can be used on either Crooked River land or Moonshine Creek land. This results in a total diversion rate of 1.94 cfs.

Sincerely,



Harold A. Powers