

06/22/2002

RECEIVED
NOV 25 2002

Department of Water Resources

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 23, 2002

Water right number: 37-7415A

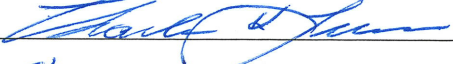
STACEY TURNER
1747 E 1700 S
GOODING ID 83330
Telephone Number: (208)934-8384

CHARLES K TURNER
1747 E 1700 S
GOODING ID 83330
Telephone Number: (208)934-8384

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

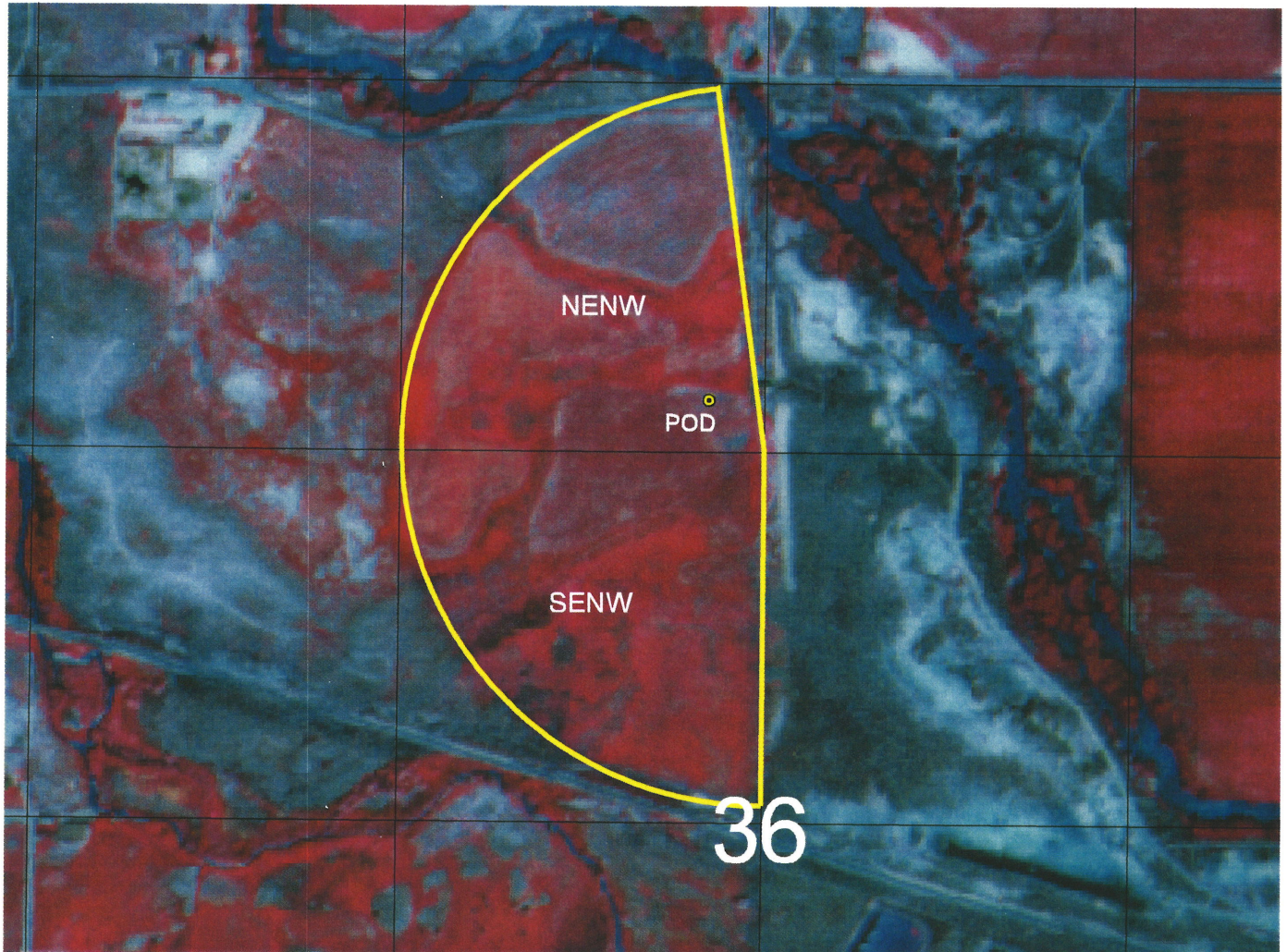
DATE: Nov 10 2002

SIGNATURE: 

Please print your name: Charles K Turner

IDWR State Office, PO Box 83720, Boise ID 83707-9815

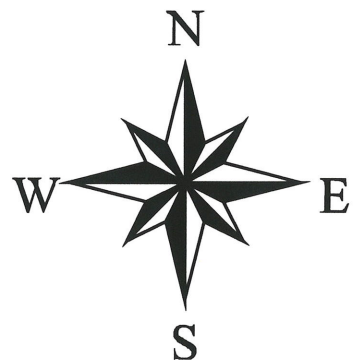
37-7415A



600 0 600 1200 1800 2400 Feet

T05S R14E S36

Map prepared by: Carter Fritschle
Date prepared: 04/09/02
1987-1988 NAPP photography
Idaho Department of Water Resources



04/09/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7415A
NAME AND ADDRESS: STACEY TURNER
1747 E 1700 S
GOODING ID 83330

CHARLES K TURNER
1747 E 1700 S
GOODING ID 83330

SOURCE: GROUND WATER
QUANTITY: 1.39 CFS
277.6 AFY
PRIORITY DATE: 01/06/1975
POINT OF DIVERSION:

T05S R14E S36 SWNENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/01	1.390 CFS 277.60 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S36	NENW	33.5	T05S R14E S36	SENW	35.9
---------------	------	------	---------------	------	------

69.4 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: License

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-7415A
Date Received: 4/9/2002
Receipt No:
Received By:

FILE COPY

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

STACEY TURNER Phone: (208)934-8384

1747 E 1700 S
GOODING ID USA 83330

CHARLES K TURNER Phone: (208)934-8384

1747 E 1700 S
GOODING ID USA 83330

2. Date of Priority: 01/06/1975

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	14E	36	NE NW	GOODING	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/01	1.39	277.6

7. Total Quantity Appropriated is:
1.39 C.F.S. and/or 277.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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05S	14E	36	NE	NW	IRRIGATION	33.5
			SE	NW	IRRIGATION	35.9
					Section Acres	69.4
					Total Acres	69.4

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-07415**
Date Received: 3/ 3/1995
Receipt No: S017819
Received By: 

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CHARLES K TURNER 208-934-8384
Address: 1747 E 1700 S
GOODING ID 83330
OR
Name: STACEY TURNER 208-934-8384
Address: 1747 E 1700 S
GOODING ID 83330

2. Date of Priority: JAN 6, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	14E	36	NE	NW			GOODING

5. Description of diverting works:
WEEL, PUMP, PIVOT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	1.600		240.00

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) 240.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	14E	36	NE	NW		IRR	40.0

MICROFILMED
NOV 27 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	36	SE	NW		IRR	40.0

Section Acres 80.0

Total Acres 80.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Stacey Turner Date: 3-3-95

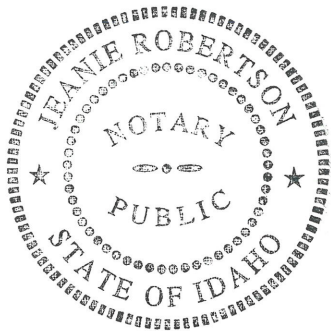
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of March 19 95

Jeanie Robertson
Notary Public

Seal



Residing at Twin Falls, Id

My Commission Expires 9-23-2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 5017819

Date: 3/ 3/1995
Time: 13:59:39

Received
From: TURNER, STACEY

Type of Payment	Program A cct	Amount
ADJUDICATION FEE	41503 337 1155	130.00
LATE FEE	41503 337 1155	50.00

Total \$ 180.00

CHECK 8756

A37-07415 - Water Right Numbers -

Region: SOUTHERN

Signature: Jeanie Robertson

MICROFILMED
NOV 27 1996

State of Idaho
Department of Water Resources

RECEIVED

JAN 28 1976

Department of Water Resources
Southern District Office

WATER RIGHT LICENSE

License of Water Right No. 37-7415 Priority Jan. 6, 1975 Amount 1.60 cfs

THIS IS TO CERTIFY, that GORDON EISINGER
of Gooding, Idaho, has complied with the terms and conditions of Permit
No. 37-7415 issued pursuant to Application for Permit dated January 6, 1975
and has submitted proof to the Department of Water Resources on March 19, 1975
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.60 cfs of water from a ground water source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Oct. 1</u>	at <u>1.60</u> cfs and	<u>240 acre feet or</u>
			<u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.60 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
240 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36,
Twp. 5 S, Rge. 14 E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 S	14 E	36					40			40									80

Total number of acres irrigated 80

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of
January, 19 76.

Director 

37-7415

NOV 27 1996

FROM: Allen Merritt

DATE: October 15, 1997

TO: Transfer No. 5136
Right No: 37-07415
Name: Turner

SUBJECT: Review and Recommendation

This transfer proposes to dry up irrigated acres (11.2) and convert the irrigation use to that of stockwater and commercial use associated with expansion of an existing dairy. The existing dairy is partially covered by SRBA claim 37-12870. The lands dried up under the license are those not presently covered by a pivot.

ANALYSIS

A review of the licensing exam, the tax notice for the original place of use and the NAPP 6/22/1987 photo leads me to believe that the license overstates the actual original beneficial use. I have measured the copy of the NAPP using a planimeter and find that there is about 71.5 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 36, Twp.05S, Rge.14E, B.M north of the Railroad and south of the county road. This 71.5 acres appears all that could have been irrigated under the original license. The land outside the pivot look to be marginally irrigated on the NAPP as it does in Georgia's photos. By measuring what is outside of the pivot using a planimeter I calculate 10.6 acres to be dried up. Giving the benefit of doubt to the applicant it appears that after these acres are dried up there should only remain, at most, 60.9 acres.

Note: The front of the application only lists commercial but it should include commercial as well as stockwater.

I recommend that transfer #5136 be approved with the following conditions:

-Subject to final SRBA determination.

-This right split off for dairy use (37-07415B) when combined with 37-12870* is limited to 45.1 afa for the dairy barn and stockwater for the dairy string and dry cattle. 37-07415B provides an additional diversion volume of 42.4 afa above historical use (2.7 afa for 200 beef cattle).

-The uses for 37-07415B include:

Commercial	0.21 cfs	1.6 afa
Stockwater	0.21 cfs	40.8 afa
Total	0.21 cfs	42.4 afa

-The remaining irrigation portion of the subject right (37-07415B) is limited to 1.22 cfs (243.6 afa) for irrigation of 60.9 acres (28.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 32.0

A37-07415

acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Twp.05S, Rge.14E, B.M.).

-Measuring device(s) shall be installed and maintained on the well associated with the dairy and is subject to the West ESPA Measurement District measuring and reporting requirement.

-The remaining irrigation use is subject to North Snake Groundwater District &/or West ESPA Measurement District measuring and reporting requirements.

-Subject to all other local, state & federal requirements as needed.

-No new wells are authorized to be drilled under this approval.

NAPP

6-22-87



Sec 36
T.55.



measured zones

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7415 Priority Jan. 6, 1975 Amount 1.60 cfs

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of Gooding, Idaho, has complied with the terms and conditions of Permit
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and has submitted proof to the Department of Water Resources on March 19, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.60 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Oct. 1</u>	at <u>1.60</u> cfs and	<u>240 acre feet or</u>
			<u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.60 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
240 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36,
Twp. 5 S, Rge. 14 E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 S	14 E	36					40			40									80

Total number of acres irrigated 80

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of
January, 19 76.

Director