

RECEIVED

NOV 25 2002

06/22/2002

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: 37-7415B

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: Aug 10, 2002 SIGNATURE: Charles K. Turner  
Please print your name: Charles K. Turner

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

04/10/2002

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

RIGHT NUMBER: 37-7415B

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

TRIBUTARY:

QUANTITY: 0.21 CFS  
42.4 AFY

PRIORITY DATE: 01/06/1975

POINT OF DIVERSION:

T05S R14E S34 SWSENE Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>          | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|--------------------------------|----------------------|------------------------|
| STOCKWATER                     | 1/01 12/31           | 0.210 CFS<br>40.80 AFY |
| COMMERCIAL                     | 1/01 12/31           | 0.210 CFS<br>1.60 AFY  |
| COMMERCIAL USE IS FOR A DAIRY. |                      |                        |

PLACE OF USE: STOCKWATER Within GOODING County

T05S R14E S34 SENE

COMMERCIAL Within GOODING County

T05S R14E S34 SENE

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 37-7415B  
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)

CHARLES K TURNER Phone: (208)934-8384

1747 E 1700 S  
GOODING ID USA 83330

STACEY 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   | 34      | SE NE                 | GOODING |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| STOCKWATER | 1/01 | 12/31 | 0.21   | 40.8       |
| COMMERCIAL | 1/01 | 12/31 | 0.21   | 1.6        |

7. Total Quantity Appropriated is:  
0.21 C.F.S. and/or 42.4 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 |
|----------|-------|---------|----------------|-----|-------|
|----------|-------|---------|----------------|-----|-------|

05S

14E 34

SE  
SE

NE  
NE

STOCKWATER  
COMMERCIAL

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

**TRANSFER NO. 5136**  
**WATER RIGHT NO. 37-07415B**

This is to certify that: **CHARLES K TURNER**  
**STACEY TURNER**  
**1747 E 1700 S**  
**GOODING ID 83330**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.21 CFS              | 40.8 AF              |
| COMMERCIAL            | 01/01 to 12/31       | 0.21 CFS              | 1.6 AF               |
|                       | Totals               | 0.21 CFS              | 42.4 AF              |

SOURCE

GROUNDWATER

Priority: 01/06/1975

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 34, Township 05S, Range 14E  
GOODING County

PLACE OF USE: STOCKWATER

TWN RGE SEC

05S 14E 34

SENE

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
3. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

MICROFILMED

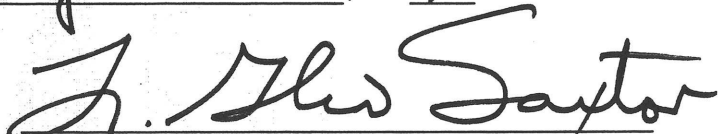
SEP 18 1998

TRANSFER NO. 5136  
WATER RIGHT NO. 37-07415B

CONDITIONS OF APPROVAL AND REMARKS

4. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. The remainder of Right 37-07415 is identified as 37-07415A and is limited to a diversion rate of 1.39 cfs, an annual diversion volume of 208.2 af, irrigation of 69.4 acres, and subject to further review in the ongoing Snake River Basin Adjudication.
9. Right 37-07415A is subject to the North Snake Ground Water District &/or the West Eastern Snake Plain Aquifer Measurement District measuring and reporting requirements.
10. The acres which are no longer authorized for irrigation under Right 37-07415A are specifically described as follows: 6.5 acres in the NENW, 4.1 in the SENW, S36, T05S, R14E.

Dated this 24<sup>th</sup> day of August, 1998

  
Chief, Water Allocation Bureau

MICROFILMED

SEP 18 1998

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

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