

WITHDRAWN**RECEIVED****JAN 06 2014**Department of Water Resources
Eastern Region**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES****APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION**

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☒ Change diversion point(s)☐ Add diversion point(s)☐ Ownership change1. **APPLICANT(S)** Jerold W. Wallace Phone 209-814-15202. **MAILING ADDRESS** P.O. Box 126 City CarmenState ID Zip 83462 Email smoutcreek@volcano.net☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see [fee schedule](#).☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.3. **LIST WATER RIGHT NUMBER(S)** 75-14009, 75-14011☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.4. **TOTAL AMOUNT OF WATER** transferred is .49 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Lease name or tag #
T23N	R23E	S30	NESE				Lemhi	Keller/Wolfley Ditch	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

New Diversion point NESE Sec 30 of Smout Creek into unnamed drainage, enters my property at this point a measuring device can be installed, point of entering my bubbler system is a lockable headgate

- b. Who owns the property at the point(s) of diversion? Keller/Wolfley Water Master Brian Keller in charge of Regulation

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Measuring device at Wallace property will notify Brian K. of excess or insufficient flows

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

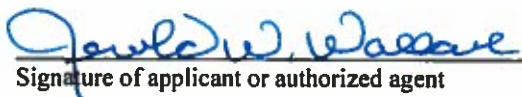
Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Jerold W. Wallace
Print name and title if applicable

12/30/13
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid 500 - Date 1/9/14

Received by SC

Receipt # E039431

Preliminary review completed by _____

Date _____

Jerold W. Wallace

P.O. Box 126

Carmen, Idaho 83462

A few notes in regards to 6B of my "Application for Transfer of Water Right-Point of Diversion:

The present point of diversion and the entire upper ditch, I am forbidden by Don Halverson, and Jack Ellis to trespass on all portions of the system and Dave Ellis enforces this. Dave Ellis enforces and controls all water regulation based on his "Beneficial Rights for his Cattle operation." The last time I set foot on the upper ditch Dave Ellis came to my home and I suffered 8 fractures of my left eye socket Orbital Bones. I was left at my front door step for dead.

Dave Ellis, Don Halverson, Jack Ellis and Lee Lieberman are trying to gain control of my entire water system leaving me in the middle of Dave Ellis's operation with no say about my water rights.

May 2013

Don Halverson, Jack Ellis, Lee Lieberman, Dave Ellis, proposed a rotation eliminating all 1915 water rights.

This rotation relies on the waste water from the unnamed drainage to move water upstream for the Halverson, Ellis flood irrigation which is then diverted to Lieberman's property as waste water.

I applied for the rights to the waste water but this application specifically stated not to exceed my present water rights. This rotation proposal being demanded does exactly that.

I have built a water system that minimizes my water and paid for this system out of my own pocket. The more water I conserve the more water Dave Ellis demands.

Jack Ellis and Lee Lieberman are suing me, they want to confiscate my system assuming full control of my sprinkler system and water rights for Dave Ellis to

control. Dave Ellis pleaded selfdefense at my front door step and now he wants to come onto my property and assume full control of all my water rights.

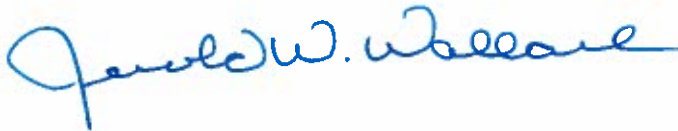
I do not want Dave Ellis coming onto my property and defending himself at any time. I almost lost vision in my left eye and still have major effects from the blow to my head! He almost killed me.

I realize the water coming into my system from the unnamed drainage may not be constant but am willing to accept what regulation Kevin and Brian Keller will deliver.

I want to sever all ties and controls that Don Halverson, Jack Ellis, Lee Lieberman have over me on behalf of Dave Ellis who is their spokesperson and enforcer.

My system was built and designed with a bubbler going into a 6" pipe for delivery with the rise and fall of the pipe to deliver a total of .32 CFS which is less than my total water rights. Dave Ellis wants control of my system for Lee Lieberman.

Jerold W. Wallace



1/2/2014

Application for Transfer or Exchange Fee Schedule

[See § 42-221 O, Idaho Code](#)

The fee for an application for transfer is based on the quantity of water being transferred, not necessarily on the amount of the entire right. [See Transfer Processing Memo No. 23.](#)

(CFS = cubic feet per second; AF = Acre-feet per year)

CFS	AF	FEE	CFS	AF	FEE
0.00 - 0.20	0 - 20	\$200.00	11.01 - 12.00	1,101 - 1,200	\$1,380.00
0.21 - 1.00	21 - 100	\$500.00	12.01 - 13.00	1,201 - 1,300	\$1,460.00
1.01 - 2.00	101 - 200	\$580.00	13.01 - 14.00	1,301 - 1,400	\$1,540.00
2.01 - 3.00	201 - 300	\$660.00	14.01 - 15.00	1,401 - 1,500	\$1,620.00
3.01 - 4.00	301 - 400	\$740.00	15.01 - 16.00	1,501 - 1,600	\$1,700.00
4.01 - 5.00	401 - 500	\$820.00	16.01 - 17.00	1,601 - 1,700	\$1,780.00
5.01 - 6.00	501 - 600	\$900.00	17.01 - 18.00	1,701 - 1,800	\$1,860.00
6.01 - 7.00	601 - 700	\$980.00	18.01 - 19.00	1,801 - 1,900	\$1,940.00
7.01 - 8.00	701 - 800	\$1,060.00	19.01 - 20.00	1,901 - 2,000	\$2,020.00
8.01 - 9.00	801 - 900	\$1,140.00	20.01 - 100.00	2,001 - 10,000	*
9.01 - 10.00	901 - 1,000	\$1,220.00	101.01 - 500.00	10,001 - 50,000	**
10.01 - 11.00	1,001 - 1,100	\$1,300.00	500.01 & over	50,001 & over	***

For an application including a change in nature of use of water under one (1) or more right(s):

Additional fee of \$250 per application.

For any application including a change in ownership of water right(s) as required per [§ 42-248, Idaho Code](#):

Additional fee of \$25.00 per undivided right requiring an ownership change and/or

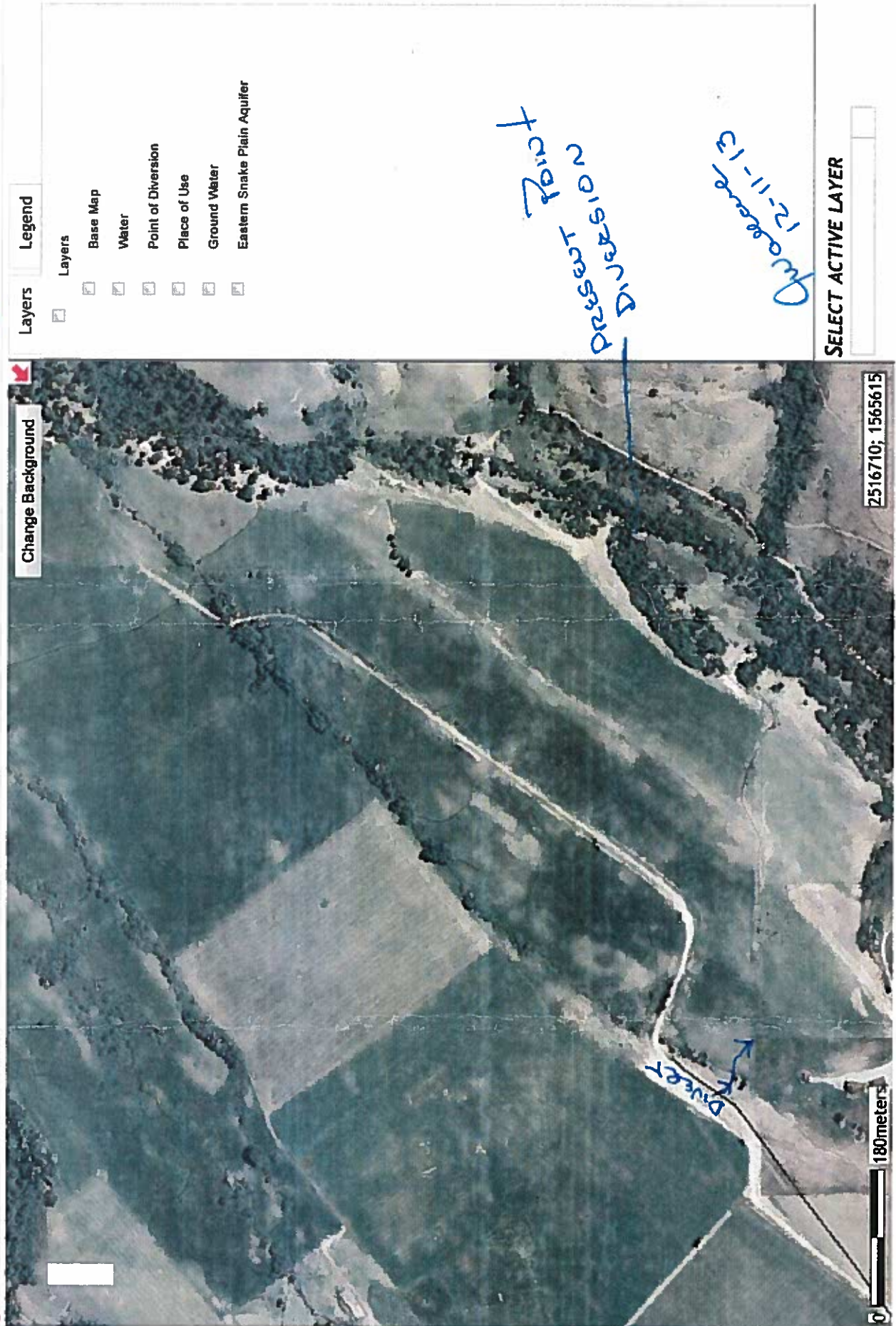
Additional fee of \$100.00 per divided right requiring an ownership change.

* \$2,020.00 plus \$40.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 20.0 cfs or 2,000 acre-feet.

** \$5,220.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 100.0 cfs or 10,000 acre-feet.

*** \$13,220.00 plus \$4.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 500.0 cfs or 50,000 acre-feet.

New Point of Diversion



- Layers Legend
- Layers
- ☐ Base Map
 - ☐ Water
 - ☐ Point of Diversion
 - ☐ Place of Use
 - ☐ Ground Water
 - ☐ Eastern Snake Plain Aquifer

Point of Diversion

2516710, 1565615

SELECT ACTIVE LAYER

79038

Search for both Active & Inactive Records

Search Results (5)

(Click to expand or collapse)



Export Results to Excel Clear All Items Start Search

Click any column to sort table

Options	Type	Basin	Sequence	Suffix	Application Number	Basis	Status	Priority Date	Div. Rate (cfs)	Source	Water Use	Owner
Details	Water Right	75	14007			Decreed	Active	10/02/1960	0.26	GOLWAY GULCH CREEK	IRRIGATION, MITIGATION	WALLACE, BETH ANNE O CONNOR; WALLACE, JEROLD W
More Options												
Details	Water Right	75	14009			Decreed	Active	09/07/1940	0.26	SMOUT CREEK	IRRIGATION, MITIGATION	WALLACE, BETH ANNE O CONNOR; WALLACE, JEROLD W
More Options												
Details	Water Right	75	14011			Decreed	Active	05/01/1915	0.23	SMOUT CREEK	IRRIGATION	WALLACE, BETH ANNE O CONNOR; WALLACE, JEROLD W
More Options												
Details	Water Application	75	14773		78598		Active	05/13/2013	0.26	WASTE WATER	IRRIGATION	WALLACE, JEROLD W
More Options												
Details	Water Application	75	14774		78775		Active	07/09/2013	0.19	WASTE WATER	IRRIGATION	LITTLEJOHN, LUCY HINCKLEY
More Options												

Export Results to Excel Clear All Items Start Search

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

September 4, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Jerold W Wallace
PO Box 126
Carmen ID 83462

RE: Application for Transfer No.: 79038
Withdrawal of Application

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of the application for transfer referenced above. The withdrawal removes your application from any further consideration or action by the Department.

A refund request for your filing fee has been submitted to our State Office in Boise.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sharla Cox', written over a large, loopy blue circular mark.

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Friday, September 04, 2015 9:50 AM
To: Carlos, Rhea
Subject: Refund Please

Please refund the following:

Receipt #E039431
Amount of Refund: \$500.00
Payable to:
Jerold W. Wallace
PO Box 126
Carmen ID 83462

Reason: Withdrew Application for Transfer

Thank you.

Receipt Details for ID E039431

Status	Adjustment Type	Version
		1

General Information:

Date Received 1/9/2014 3:28:11 PM	Date Deposited 1/10/2014 4:13:26 PM	Region EASTERN	Total Amount \$500.00	Payment Type Check
Payee: Wallace, Jerold W				

Account Information

Check Number 263

Comment 75-14009 and 75-14011

Fee Details

Amount \$500.00	Description TRANSFERS	PCA 63105	Fund 0229	Fund Detail 21	Subsidiary	Object 1155
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**WITHDRAWAL
OF
APPLICATION FOR TRANSFER**

RECEIVED
SEP 03 2015
Department of Water Resources
Eastern Region

I/We, TEROLD W. WALLACE and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No: #79038

Signed this 29th day of August, 2015

TEROLD W. WALLACE
(Signature /Title of Applicant)

(Signature /Title of Applicant)

Thank You!



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 26, 2015

Jerold W Wallace
PO Box 126
Carmen ID 83462

RE: Application for Transfer to Change Point of Diversion #79038

Dear Mr. Wallace:

According to James Cefalo today after the prehearing conference on your application for permit, you stated that you would like to withdraw your application for transfer #79038. He asked me to send you this withdrawal form. Please sign and return in the enclosed self addressed envelope. After I receive your withdrawal, I will request a refund for \$500.00. You will receive a check approximately 2 weeks after the request has been submitted.

If you have any questions, please feel free to contact me.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enclosure

Holliday, Michael

From: Jerold Wallace [smoutcreek@volcano.net]
Sent: Monday, January 20, 2014 1:28 PM
To: Holliday, Michael
Subject: ##### Jerold W. Wallace #####
Attachments: Waste Water Jan2014.docx

Michael,

Can I include the following statements in my Application for A Point of Diversion Transfer?

Jerold W. Wallace

Don Halverson, Lee Lieberman, and Jack Ellis are all represented by Dave Ellis. He manages all of their water in return for his commercial Livestock operation. Jack Ellis sold 4 parcels of property with a covenant prohibiting commercial livestock on all of these properties including his own 20 acres. He has enforced this on all parcels but now is saying his son Dave Ellis has rights over the landowners to graze cattle for commercial use on any of the parcels he has sold.

Jack Ellis has stated over and over again that the Historical use of water to the Lee Lieberman property was distributed from a point on his property.

Jack Ellis and Jerold W. Wallace have both installed a pipeline, 6" in diameter, to supply a sprinkler system for irrigation.

Jack Ellis changed Lee Lieberman's historical diversion from his property to the Bubbler system on the Wallace Property. Jack Ellis contends a 6" pipe is more than sufficient to supply water to Jerold W. Wallace, Lucy Littlejohn, Andrea Clifton, and Lee Lieberman.

Dave Ellis testified the above ground Main Line on the Wallace property did not leak and works fine. In fact he called Jerold W. Wallace and Lucy Littlejohn a "LIAR" when we testified the Main Line was leaking severely and damaging our properties with leakage. Jerold Wallace buried that portion of Main Line to stop the damage.

Jack Ellis and Lee Lieberman are presently suing Jerold W. Wallace over the use of the main line. Dave Ellis is their spokesperson and is the person behind the lawsuits for his commercial Livestock operation.

Jerold W. Wallace and Lucy Littlejohn are suing Jack Ellis and Lee Lieberman over the Commercial Livestock operation on parcels that Jack Ellis guaranteed would not be present for a period of 25 yrs following the sale of his Property. Jack and Diane Ellis and Lee Lieberman are claiming Jack Ellis can change the covenant to allow Dave Ellis to graze his commercial Livestock because Idaho is actually a free range state.

Main Line Issue:

The main Line above ground pipe can be removed from the Jerold W. Wallace property. There is more than sufficient pipe to reattach to the riser on the Jack

Ellis property. Run the mainline pipe thru the culvert, that is already present beneath the road, to supply Lee Lieberman's Sprinkler system. This would recreate the true Historical delivery point to Lee Lieberman. Jack Ellis has a 6" buried pipeline, plus by going this route creates a higher head PSI on the pipeline to give Lee Lieberman more head PSI for his historical sprinkler system. Jack Ellis and Lee Lieberman could drop their lawsuit against Jerold W. Wallace on behalf of their spokesperson Dave Ellis.

Lucy Littlejohn and Andrea Clifton both have historical water irrigation from the unnamed drainage. Flood irrigation.

Brian Keller stated in our phone conference on Jan 16, 2014 with James Cefalo, that the Keystone Ranch/Wolfley diversion point could supply Jerold W. Wallace change, for Point of Diversion, to the unnamed drainage but only have enough water for this one request of .42 CFS.

Jerold W. Wallace would no longer utilize the upper ditch for water rights.

Jerold W. Wallace would no longer have a need to pay a Lateral Ditch manager for the Upper Ditch.

Jerold W. Wallace does have a measuring device where the drainage water from the Upper Ditch enters his property. Jack Ellis, Lee Lieberman and Don Halverson would still be responsible to supply Deeded Water Rights for Lucy Littlejohn and Andrea Clifton to that point of measuring.

Jack Ellis and Lee Lieberman would have no reason to sue Jerold W. Wallace on behalf of Dave Ellis.

As Dave Ellis testified the above Ground Main Line does not have any issues with leakage so transferring to the true Historical source for Lee Lieberman should be no problem.

The connection of the Main Line to the Jack Ellis system would be on the riser below the Jack Ellis Home, far side of pond.

Waste Water Application:

Once the main line issue is resolved then Jack Ellis and Lee Lieberman could drop their complaint against Jerold W. Wallace for his application for a Waste Water Complaint.

Jack Ellis could not deprive Jerold W. Wallace of his deeded water rights claiming his right to move deeded water rights uphill and stating the waste water is present and he has a beneficial right above and beyond any deeded water rights. His Beneficial right is for the commercial Livestock operation Dave Ellis is running.

Lee Lieberman could drop his complaint for the same reason.

All this said and done DAVE ELLIS would have no reason to set foot on Jerold W. Wallace's property. Dave Ellis claims he has a right to trespass on the Jerold W. Wallace's property even after he claims his assault to Jerold W. Wallace 1.5 yrs ago, at Jerold W. Wallace's front door step, was strictly in self defense. Even though Jerold W. Wallace never struck Dave Ellis. Jerold W. Wallace suffered 8 fractures of his left eye socket orbital bone, and 10 broken teeth.

Jerold W. Wallace does not want Dave Ellis coming onto his property and defending himself again. Doesn't like being left at his front doorstep for DEAD!

Jerold W. Wallace

1/20/2014



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

August 15, 2012

ROXANNE BROWN
SPF WATER ENGINEERING
300 E MALLARD DR SUITE 350
BOISE ID 83706

RE: Water Rights 75-14007, 75-14009, and 75-14011 (Wallace)

Dear Roxanne:

I am writing in response to your request for clarification of the water rights appurtenant to land owned by Beth Anne O'Connor Wallace and Jerold Wallace in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 23 North, Range 23 East, B.M. I found three water rights appurtenant to the Wallaces' parcel:

- Right 75-14007 was decreed in 2009. It authorizes the diversion of 0.24 cfs of water from Golway Gulch Creek to irrigate 12.0 acres. It also reserves 0.02 cfs of water to remain undiverted from Golway Gulch Creek to mitigate for the development of a pond authorized by Permit 75-14062.
- Right 75-14009 was also decreed in 2009. It authorizes the diversion of 0.24 cfs of water from Smout Creek to irrigate 12.0 acres. It also reserves 0.02 cfs of water to remain undiverted from Smout Creek to mitigate for the development of the pond authorized by Permit 75-14062. Rights 75-14007 and 75-14009 are limited to the diversion of 0.48 cfs for the irrigation of a combined total of 12.0 acres.
- Right 75-14011 was also decreed in 2009. It authorizes the diversion of 0.23 cfs of water from Smout Creek to irrigate 12.0 acres. The partial decree for Right 75-14011 contains a remark stating that Rights 75-14007, 75-14009, and 75-14011 are limited to the irrigation of a combined total of 12.0 acres.

Rights 75-14007 and 75-14009 were originally claimed in the Snake River Basin Adjudication (SRBA) for a combined total of 13.0 acres of irrigation. In 2003 the property owners at the time, James Brownlee and Mary Angelia Brownlee, received Permit 75-14062 authorizing them to construct a small reservoir in an unnamed stream on their land. To mitigate for the depletion of water caused by the permitted impoundment, the Brownlees applied to change 1.0 acre of Rights 75-14007 and 75-14009 from irrigation to mitigation and refrain from diverting the water that had historically irrigated the 1.0 acre converted to mitigation. The Department approved the proposed change from irrigation to mitigation in Transfer 69672.

In 2004 Permit 75-14062 lapsed because the Brownlees did not submit the required proof of beneficial use statement. A letter received by the Department from James Brownlee in 2005 confirmed that he did not construct the proposed reservoir.

In 2006 the Wallaces notified the Department that they had acquired Rights 75-14007, 75-14009, and 75-14011 from the Brownlees. It appears the Wallaces are irrigating about 13.9 acres as of 2011.

This set of facts raises a couple of questions.

- First, since the reservoir authorized under Permit 75-14062 was not developed, can the mitigation components of Rights 75-14007 and 75-14009 revert back to irrigation, thus authorizing the Wallaces to irrigate 13.0 acres instead of 12.0 acres?

In Transfer 69672, Rights 75-14007 and 75-14009 both carried the following two conditions:

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

One way of looking at the mitigation components of Rights 75-14007 and 75-14009 is that because the Brownlees did not develop the reservoir, there is no storage use to be mitigated. With no use to be mitigated, the change from irrigation to mitigation was never accomplished, approval of the transfer should be rescinded, and irrigation of 13.0 acres should be authorized in connection with Rights 75-14007 and 75-14009. However, there are two factors that may complicate this approach. First, the partial decrees for Rights 75-14007 and 75-14009 were issued after Transfer 69672 was approved. Does the Department have sufficient authority to alter the partial decrees without going through another transfer proceeding? Also, what about the 12-acre combined use limit in the partial decree for Right 75-14011? Even if the transfer were undone for Rights 75-14007 and 75-14009, the combined use limit in Right 75-14011 would still say that the three rights are limited to the irrigation of a combined total of 12.0 acres. Given these two complicating factors, I cannot say with certainty that the Department could remove all uncertainty in an order rescinding the transfer approval. To remove all ambiguity, I recommend filing a transfer application seeking to change the mitigation uses to irrigation and requesting an update of the combined use limit in Right 75-14011.

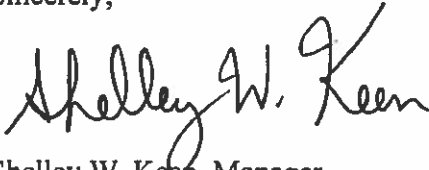
- Also, what is the combined diversion rate relationship among Rights 75-14007, 75-14009 and 75-14011? Taken at face value, the three rights seem to authorize 0.71 cfs to irrigate

Letter to Roxanne Brown
August 15, 2012
Page 3

12.0 acres. That's nearly 0.06 cfs per acre, or three times the usual limit. From the conditions of approval in Transfer 69672, it is clear that Rights 75-14007 and 75-14009 were intended to authorize a combined total of 0.48 cfs to irrigate the 12 acres. Also, a comment in the electronic record of the SRBA recommendation for Right 75-14011 states, "[Q]uantity based upon ditch loss for 0.24 cfs deliver on a 4000 ft x 3 ft ditch [sic]." I interpret the comment to mean that because of conveyance losses it takes the authorized diversions of both Right 75-14009 (0.24 cfs) and Right 75-14011 (0.23 cfs) to deliver 0.24 cfs to the field. What remains unclear is whether beneficial use could be made of water diverted under Right 75-14007 at the same time that both of the two Smout Creek rights are being delivered in full. Again, resolving this question may require a transfer application.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen, Manager
Water Rights Section