

Luke, Tim

From: Albert Fols [afols@centurytel.net]
Sent: Monday, February 27, 2012 9:39 AM
To: Luke, Tim; Baxter, Garrick
Subject: FW: Burns gw rt 75-7505

Gentlemen,

I have discussed the Burns' ground water permit (75-07505) with other knowledgeable water users in the Carmen Creek drainage. It was obvious that the water users within the Carmen Creek drainage understood that their land with two inches/acre of decreed surface irrigation water would not be allowed additional season long irrigation water from a ground water source. Now that IDWR is fully aware of all the Burns' water rights; it is generally believed that whatever decision IDWR makes in relation to Permit 75-07505 going forward, and for the 2012 irrigation season's use, will set a precedent for all water users in the drainage, including myself.

It has also not gone unnoticed by those with land in close proximity to Carmen Creek that may have a benefit from establishing "shallow wells 18" diameter less than 20 feet deep. probably water from Carmen Crk." (see attached 2000 Field Report, page 3 in section E; page numbers and highlights added for your convenience)

Personally, it concerns me that the irrigators with the need for larger quantities of water could upset the balance between domestic ground water, irrigation ground water, and surface irrigation water because of a possible precedent set with the Burns' permit. Hopefully, IDWR will closely monitor the Permit's use and make the right decisions concerning the licensing of the permit.

Sincerely,

Al Fols

From: Albert Fols [mailto:afols@centurytel.net]
Sent: Monday, February 20, 2012 5:48 PM
To: 'Baxter, Garrick'; 'Luke, Tim'
Subject: FW: Burns gw rt 75-7505

Mr. Baxter and Mr. Luke,

I forgot to copy the email below to Mr. Baxter as Mr. Luke had copied his reply to me. I might also add to the information below; that in the event IDWR decides to allow the permit to go to license (instead of denying the license) some restrictive language should be added. I would suggest curtailing the Carmen Creek rights to 0.02cfs/acre and mandatory record keeping of the ground water to ensure the cap of 0.04cfs/acre.

Thank you,

Al Fols

From: Albert Fols [mailto:afols@centurytel.net]
Sent: Monday, February 20, 2012 4:04 PM
To: 'Luke, Tim'
Subject: RE: Burns gw rt 75-7505

Mr. Luke,

Thank you for the timely response. I reviewed your answer, and then reviewed the 2000 field exam that you referenced. It was found, **at that time**, that the permit had **beneficial use**. What the field examiner could not have known was that the Burns' would later (2005) file a notice of claim for 1915 Carmen Creek "high water" to add another 0.22cfs of irrigation water to their property. IDWR has consistently found that there is NO beneficial use of irrigation water over 0.04cfs/acre