



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

January 18, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CHARLES E BROCKWAY
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

RE: Permit 45-14107

Our office received a proof statement and beneficial use field report on December 27, 2011 for permit 45-14107. I received an e-mail on January 17, 2012, asking about the status of file 45-14107. This letter is meant to acknowledge receipt of acceptable proof of beneficial use. However, after reviewing the beneficial use field report submitted additional information is needed.

- 1) The beneficial use field examination report lists the POD from Unnamed Stream (*Antelope Spring Creek*) in the:
SESWNE, S7, T12S, R24E

The map provided with the field report shows the POD in the:
SWNW, S7, T12S, R24E

The POD for 45-690 (*Unnamed Stream*) and 45-14182 (*Antelope Spring*), which share the other 2 PODs permitted under 45-14107, is located in the:
SWSENW, S7, 12S, 24E.

Please verify the POD location from Unnamed Stream (*Antelope Spring Creek*) and if it is shared with 45-690 and 45-14182. If you could supply me with the shapefile or the GPS coordinates of the point of diversion, that would be helpful.

- 2) The place of use (POU) listed in the beneficial use field exam report does not match the map submitted with the report. Please verify the POU and how the water diverted from the points of diversion is conveyed through each of the QQ's identified as part of the overall POU.

Does 45-14107 share the same POU as 45-14182?

- 3) Please explain how 45-14107 provides and additional increment of beneficial use above that already authorized under partial decree 45-14182? Decree 45-14182 authorizes diversion of 0.05 cfs for stockwater use outside of the irrigation season of use from what appears to be the

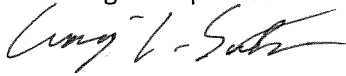
same sources and points of diversion from those authorized under permit 45-14107¹. In addition, both decree 45-14182 and permit 45-14107 are limited to 13,000 gallons per day. It appears that the stockwater use decreed under 45-14182 could be the same use permitted under 45-14107.

The field examination report indicates that permit 45-14107 provides water for 300 head of cattle. Is this 300 head in addition to the cattle served by 45-14107?

Please submit the requested information by **February 17, 2012**. Please feel free to contact me with any questions.

Respectfully,

Craig L. Saxton
Water Rights Supervisor



Cc: MVCP LLC
474 E 550 S
Burley id 83318

¹ Decree 45-14182 describes the source of the point of diversion (POD) located in the SWSENW, S7, T12S, R24E as being Antelope Spring. Permit 45-14107 describes the source of the POD in the same location as being Unnamed Stream. It appears that the POD on both permit 45-14107 and decree 45-14182 are describing the same POD in the SWSENW, S7, T12S, R24E, yet there is some inconsistency in the name of the source.