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July 16, 2007

Idaho Department of Water Resources  
900 N. Skyline Dr., Ste. A  
Idaho Falls, ID 83402

RECEIVED

JUL 17 2007

Department of Water Resources  
Eastern Region

Dear Ladies & Gentlemen:

We have prepared and are enclosing an Application for Transfer which has been requested by Messrs. Tim Luke and Garrick Baxter of the Boise office of IDWR. A copy of an email we received from Garrick Baxter regarding the filing fee for this application is enclosed. We have also enclosed a typed list of the water rights of the company that are to be affected by this transfer which merely adds a point of diversion to all of such water rights to identify a pump which pumps water from the upstream side of a dike of the company located in Camas Creek to the downstream side whenever surface water becomes stranded on the upstream side because the five tubes in the dikes are closed or when groundwater diverted from the Bybee Well field into Camas Creek on the downstream side of the dike creates enough head for water to leak back through the headgate devices on the dike when the water on the upstream side becomes low enough.

We have been advised that the maximum capacity of the pump is 11.5 cfs and so we have included in our check for the filing fee in the amount of \$690.00 consist with the email from Garrick Baxter, a copy of which is enclosed.

Thank you for your kind attention to this matter. Please let us know how we may be of assistance in expediting the processing.

Yours very truly,



Kent W. Foster

Enclosures

RECEIVED  
JUL 23 2007  
Department of Water Resources  
Eastern Region

## Carlson, Dave

---

**From:** Baxter, Garrick  
**Sent:** Thursday, August 02, 2007 4:43 PM  
**To:** Carlson, Dave  
**Subject:** RE: mud lake water users transfer 73951

Dave,  
Does Jeff's response give you the answers you need?  
Garrick

-----Original Message-----

**From:** Peppersack, Jeff  
**Sent:** Thursday, August 02, 2007 3:42 PM  
**To:** Carlson, Dave; Baxter, Garrick; Luke, Tim; Carlsen, Ernie  
**Subject:** RE: mud lake water users transfer 73951

I think diversion to storage would be appropriate in this case.

The earlier question regarding what right(s) to apply the additional point of diversion is somewhat up to the applicant, but I'm not sure it requires the additional point of diversion on all their rights to accomplish what we/they want.

Jeff

-----Original Message-----

**From:** Carlson, Dave  
**Sent:** Thursday, August 02, 2007 3:28 PM  
**To:** Baxter, Garrick; Peppersack, Jeff; Luke, Tim; Carlsen, Ernie  
**Subject:** RE: mud lake water users transfer 73951

garrick  
their only surface rights are for storage only in Mud Lake and the current point of diversion are the canal heading from Mud Lake to lands irrigated. They dont really have surface rights with diversion rates. They have no real rights to camas creek itself, until it enters Mud Lake.

so would the source of this pump be camas creek on one of their Mud Lake water rights and add a diversion rate to one of their storage rights?

dave

-----Original Message-----

**From:** Baxter, Garrick  
**Sent:** Thursday, August 02, 2007 8:53 AM  
**To:** Carlson, Dave; Luke, Tim; Peppersack, Jeff; Carlsen, Ernie  
**Subject:** RE: mud lake water users transfer 73951

Hi Dave,  
I believe you will need to add the pump to at least one Bybee Well Field ground water right and one Mud Lake surface water right. This is because they are doing two things with the pump. They are diverting surface water that is stranded in Camas Creek on the Rays Lake side of their headgate. They are also recovering ground water that has leaked through the headgate. On the surface water right, I believe it should be described as a point of diversion. On the ground water right, it should be described as a point of redirection.

Tim, Jeff, Ernie - Let me know if I have it wrong.

Garrick L. Baxter  
Deputy Attorney General  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098  
Phone: (208) 287-4811  
Fax: (208) 287-6700

-----Original Message-----

**From:** Carlson, Dave  
**Sent:** Thursday, August 02, 2007 8:07 AM  
**To:** Luke, Tim; Baxter, Garrick; Peppersack, Jeff; Carlsen, Ernie  
**Subject:** mud lake water users transfer 73951

hey guys

i have this transfer for the "pump at the dike"  
it is for 11.5 cfs.

my thought is to add this pump as a point of diversion to just one water right, 31-371, which is their earliest right for 23 cfs and that would cover the 11.5 cfs. 31-371 is a groundwater right from all the upstream wells and all the down stream wells.

i am not sure why they would need this pod added to every water right.

my next issue is, what would be the source of the water for this pump? is it a "rediversion" point of diversion of ground water?

a point of diversion of camas creek water?

they really dont have any camas creek rights except permit 31-7650 for groundwater recharge.

what do you guys suggest.

dave

## Carlson, Dave

---

**From:** Luke, Tim  
**Sent:** Thursday, August 02, 2007 10:40 AM  
**To:** Baxter, Garrick; Carlson, Dave; Peppersack, Jeff; Carlsen, Ernie  
**Subject:** RE: mud lake water users transfer 73951

I think I agree with Garrick. Jeff had responded by e-mail to questions posed by Garrick some time back that gave some guidance or recommendations on filing the transfers. Unfortunately, I do not have that e-mail. I would defer to Jeff on these questions.

Tim

-----Original Message-----

**From:** Baxter, Garrick  
**Sent:** Thursday, August 02, 2007 8:53 AM  
**To:** Carlson, Dave; Luke, Tim; Peppersack, Jeff; Carlsen, Ernie  
**Subject:** RE: mud lake water users transfer 73951

Hi Dave,

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-----Original Message-----

**From:** Carlson, Dave  
**Sent:** Thursday, August 02, 2007 8:07 AM  
**To:** Luke, Tim; Baxter, Garrick; Peppersack, Jeff; Carlsen, Ernie  
**Subject:** mud lake water users transfer 73951

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a point of diversion of camas creek water?

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what do you guys suggest.

dave

## Carlson, Dave

---

**From:** Baxter, Garrick  
**Sent:** Thursday, August 02, 2007 8:55 AM  
**To:** Carlson, Dave  
**Subject:** FW: Mud Lake

**Attachments:** Ltr to Rob Harris re Mud Lake.pdf

Dave,  
FYI - Here is a copy of the letter that was sent to Mud Lake in June.

Garrick L. Baxter  
Deputy Attorney General  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098  
Phone: (208) 287-4811  
Fax: (208) 287-6700

-----Original Message-----

**From:** Baxter, Garrick  
**Sent:** Friday, June 29, 2007 5:12 PM  
**To:** Rob Harris (E-mail)  
**Subject:** Mud Lake

Rob,  
Attached is the Department's response. Original is in the mail. Let me know if you have any questions.  
Thanks,  
Garrick

Garrick L. Baxter  
Deputy Attorney General  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098  
Phone: (208) 287-4811  
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Ltr to Rob Harris re  
Mud Lake....