



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

COPY

February 4, 2008

CERTIFIED MAIL

W. Brant Morris
W 9889 Gallop Ln.
Post Falls, Idaho 83854

Re: Proposed Water Right License, 95-9122.

Dear Mr. Morris:

This is in response to your objection, filed on January 18, 2008, to preliminary water right license 95-9122.

On August 14, 2001 you filed an application for permit to divert water from a ground water source for the irrigation of 5 acres and 7.3 acre-feet of storage for the irrigation and recreation purposes. The corresponding diversion rates were 0.15 cfs for irrigation, based on 0.03 cfs per acre for acreages 5 or less and 0.2 cfs for the diversion to storage, with an overall maximum diversion rate of 0.2 cfs. On July 25, 2002 a permit was issued for the above mentioned amounts.

On July 24, 2007 you filed a Proof of Beneficial Use confirming that 5.5 acres of irrigation and 7.3 acre-feet of storage have been put to beneficial use with an overall diversion rate of 0.2 cfs. At this point, I might add that what is put to beneficial use **cannot be greater** than what was originally permitted.

A Field Exam was completed on October 3, 2007 by department staff, which verified the diversion capability of your system as being 0.19 cfs, a storage capability of 7.3 acre-feet and the actual irrigation of 2.5 acres within your lot boundary. From the findings of the field exam, a preliminary license was issued for your review on December 31, 2007. The license also included an irrigation diversion rate of 0.08 cfs, based upon 2.5 acres X 0.03 cfs per acre. If the pond is for some reason dry, this will allow you to irrigate directly from the well at a rate of 0.08 cfs. The overall annual volume for the license is shown to be 14.8 acre-feet. This amount was derived from the permitted storage volume of 7.3 acre-feet plus the allotted amount for the irrigation of 2.5 acres, which is 3 acre-feet per acre and equals 7.5 acre-feet.

In your letter of January 18, 2008, you agree with the 0.19 cfs diversion capability of the system, however you desire to expand the license to include the irrigation of 40 acres with an overall annual volume of 70 acre-feet. As stated before, a license cannot be

issued for more than what was originally permitted and confirmed in the field exam. If more than the confirmed 2.5 acres is being irrigated from this system, the additional must be covered by another water right and is not authorized under this license. For your convenience, I have included an application packet if there is additional land to be irrigated.

The preliminary license as issued will stand unless you file a written request for a hearing within 15 days from receipt of this letter. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure *License*