

01/03

Before the Idaho Water Resource Board

RECEIVED

MAR 09 2007

Department of Water Resources

**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

Applicant Wallace W. Driscoll Phone 208-328-2498

Address 2459 W. 1100 S.

City Aberdeen State ID Zip Code 83210

A. DESCRIPTION OF WATER SOUGHT TO RENT

1. Source of water Groundwater
tributary to _____
2. Maximum volume of water 150 AF.
3. Maximum rate of diversion 1.78 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use irrigation of grass for livestock grazing
2. Location of point of diversion SE 1/4 SE 1/4, Section 12,
Township 4 S., Range 31 E., B.M. Bingham County.
3. Season of use: From 4/01 to 10/31
4. Description of diverting works:
Pump HP 150 Lift 35' Pump type turbine
Canal name, if appropriate n/a
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.
S1/2 SE1/4: 100 acres

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

No

7. Who owns the property at the point of diversion?

Applicant

8. Who owns the property at the place of use?

Applicant

9. Are you seeking a rental for more than one (1) year? yes (yes or no)

If yes, for how many years? _____

10. Remarks: _____

3/7/07
Date

Wallace H. Perisoll
Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

T04S R31E Section 12

Owner: Rowanye & Marilyn Anderson*

Rowayne Anderson

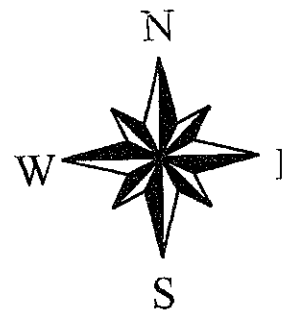
* Prior Owner
Current Owner Wallace & Scott

* Per County Parcel data not verified



-  Irrigated area without water rights
Potential unauthorized use
-  Sections
-  Quarter-Quarter Sections
-  Water rights place of use

Imagery: 6/24/2006 Aerial Photo





ERNEST CARLSON
WATERMASTER

STATE OF IDAHO
WATER DISTRICT 120
900 N. SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402
(208) 525-7171 FAX (208) 525-7177

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TREASURER
DALE ROCKWOOD

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December 27, 2006

Rowayne & Marilyn Andersen
2400 West 810 South
Sterling ID 83210

Prior owner

Certified Mail

RE: Unauthorized Water use

Dear Mr. & Mrs. Andersen,

Water District No. 120 staff has made an investigation of 2006 irrigated lands and water right authorizations within the district using aerial photos and/or satellite imagery. It has come to our attention that approximately 132 acres located in the S1/2SE1/4 of Section 12, Township 04 South (T4S), Range 31 East (R31E) have been irrigated without a valid water right. Records on file at the Idaho Department of Water Resources (IDWR) indicate that you are the owner of these lands.

Attached is a 2006 aerial photo showing a center pivot and set irrigation systems in the S1/2SE1/4 Section 12, T4S, R31E. Review of IDWR records shows no water rights appurtenant to the 132 acres of irrigation in question. The aerial photo imagery provides evidence of irrigation in 2006.

The water use in question is under the jurisdiction of State Water District No. 120. As Watermaster of this district, I am authorized to curtail unlawful diversions of water. Irrigation without a valid water right is an unlawful diversion pursuant to Idaho Code §42-351. You are instructed to cease and desist any further irrigation of the approximate 132 acres in the S1/2SE1/4 of Section 12, T4S, R31E. Irrigation of these lands may not resume in the ensuing irrigation season until a valid water right has been obtained or identified.

Please contact our office immediately if you are not the current owner of the lands in question, you believe you have valid water right(s) and or Transfer application(s) filed with IDWR for these lands or you feel our records are in error. I ask that you contact our office within fourteen (14) days from the date of this letter to discuss these findings and any remedy of the unauthorized use. You may contact either Ernie Carlsen or Gene Hansen directly at 208-525-7161 regarding this matter.

A copy of this letter has been forwarded to IDWR. Pending your response to this letter, **IDWR will determine whether to issue a Notice of Violation and commence any administrative enforcement action** that may include civil penalties and mitigation requirements for unlawful diversions during 2006.

Regards,

Ernie Carlsen

Ernie Carlsen

Water Master Water District 120

Cc: Tim Luke, IDWR

Roger Warner, Eastern Region

Aberdeen-American Falls Ground Water District

Enclosures: 2006 Aerial Photography