



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 2, 2006

BOBBIE MADDEN
1877 TANK FARM RD
POCATELLO ID 83204

RE: Esther Turner Water Rights

Dear Ms. Madden:

In response to your inquiry about Water Right License 29-7682, I have enclosed some documents that help to explain the nature of the water right confirmed in the license. The first document is a copy of the Application for Permit filed by Vicky Deppe in 1982. In 1985 it was approved for the diversion of ground water for domestic use in three homes and for 4 acres of irrigation, all in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T6S, R34E, B. M. In 1989 Vicky Deppe assigned the permit to Esther Turner.

The second document is the Beneficial Use Field Report, which describes the findings of the field examiner who verified the water use in 1995. The examiner's sketch on the first page of the report shows the location where water was used in connection with the permit. The examiner recommended issuing a license for domestic use in 3 homes. The license was issued for domestic use in only 2 homes because one home is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T6S, R34E, B. M., not in the permitted NW $\frac{1}{4}$ SW $\frac{1}{4}$. IDWR wrote two letters in March of 2006 suggesting that the permit be amended so that the water use in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6 could be included, but IDWR received no response.

The third document is a copy of the partial decree issued in the Snake River Basin Adjudication for Right 29-2344E, which authorizes 12 acres of irrigation in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T6S, R34E, B. M. The field examiner reported that Rights 29-2344E and 29-7682 are diverted from the same well. Together they add up to an authorized diversion of 0.20 cfs of water to irrigate 12.7 acres and to serve water to two homes. Although the field examiner recommended 4 acres of irrigation, License 29-7682 was issued for only 0.7 acres of irrigation because Right 29-2344E covers the rest of the irrigation from that diversion and distribution system.

The domestic use reported by the examiner in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T6S, R34E, B. M. (north across the lane in the trees) is not covered by a water right. Pursuant to Rule 760 of IDWR's Rules of Procedure (IDAPA 37.01.01), IDWR may be able to modify License 29-7682 to include the use in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6 if you sign the enclosed Application for Amendment of Permit and return it with the \$50.00 filing fee by May 30, 2006.

Bobbie Madden

May 2, 2006

Page 2

I have also enclosed a Notice of Change of Water Right Ownership form to be used to notify IDWR when ownership of the water right has changed.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen
Water Rights Supervisor

Enclosures