



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

November 21, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SOUTH ELMORE IRRIGATION CO
PO BOX 396
MOUNTAIN HOME ID 83647

RE: Permit No. 02-2345

Gentlemen:

The Department of Water Resources is in the process of reviewing the above referenced permit for final action.

If you will recall, in April of 1985, the Department attempted to license this permit for 160 acres in the W $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 22, Twp. 5S, Rge. 6E. At that time, Jay Friedly was acting as your attorney and requested that the Department withhold the licensing of this permit pending a system analysis by Sherl Chapman. In November of 1986, the Department received a letter from Mr. Chapman stating the proposed license for this permit should be issued for the entire E $\frac{1}{2}$, Sec. 22, Twp. 5S, Rge. 6E. In November of 1995, the Department determined that a new field examination should be conducted for this permit to validate the development as it had occurred at the time proof of beneficial use was submitted (January 12, 1976).

The Department has once again reviewed this permit to see if it could be licensed with information contained in the water right files. In review of Rts. 02-2269 and 02-2367 the Department found that Transfer No. 4881, approved on October 24, 1996, included the lands in the E $\frac{1}{2}$, S22, Twp. 5S, Rge. 6E. Enclosed, for your convenience, is a copy of Transfer No. 4881 that shows the lands that may be irrigated under Rts. 02-2269 and 02-2367.

It appears that licensing Permit 02-2345 may not be of any value to your company. A breakdown of the rights, as recorded in the Department's records is as follows:

	Priority Date	Rate	Volume	Acres
Rt. No. 02-2269	2-19-1964	87.11 cfs	25,402.5 af	5645
Rt. No. 02-2367	3-22-1965	12.92 cfs*	2907.0 af	646
Permit 02-2345	1-15-1965	6.40 cfs		318 320 kw 12/12/05

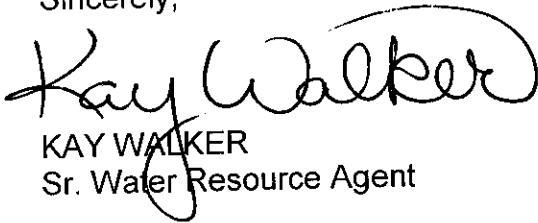
*Rights 02-2269 and 02-2367, when combined cannot exceed a total diversion rate of 87.11 cfs.

Since the approved transfer covers all the water that could be diverted at time of the field examination in 1984 (87.11 cfs) and the irrigation of all the lands that were permitted under Rt. 02-2345, the Department is reluctant to issue a license that will not be of any value to your company.

Please advise the Department within 30 days of the date of this letter why a license should be issued for this permit. If you agree with the findings shown above, please submit the enclosed "Relinquishment of Permit" form so the Department can clear this permit from it's records. If the Department doesn't hear from you within the 30-day period, it will take action to void this permit because the permitted use is covered under prior water rights.

If you have any questions regarding this matter, please do not hesitate to contact me at (208)287-4953.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with a large loop at the end of the last name.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures