



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2002

TIMOTHY P DEEG
2957 DEEG RD
ROCKLAND ID 83211

RE: Water Right Permit No. 41-07081 and Draft License 41-07076

Dear Mr. Deeg:

The Department of water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changed that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

Place of Use – Lands found in SENE, S01, 9S, 30E and SWNW, S06, 9S, 31E being added if permit is amended.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also enclosed you will find a draft of Water Right License No. 41-07076. This is how we propose to license the use under Permit 41-07076. That permit did not need to be amended and we are enclosing the draft license for your information.

If you have any questions, please call me at 208-327-7944.

Sincerely,


KAY WALKER
Sr. Water Resource Agent

Enclosures

cc: Kent Foster, C/O Holden, Kidwell, Hahn & Crapo, PO Box 50130, Idaho Falls, ID 83405-0130

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 41-07076

Priority: September 11, 1985

Maximum Diversion Rate: 2.02 CFS
Maximum Diversion Volume: 857.0 AF

It is hereby certified that TIMOTHY P DEEG
2957 DEEG RD
ROCKLAND ID 83211 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 11, 1985; and has
submitted Proof of Beneficial Use on December 23, 1996. An examination indicates that the works have
a diversion capacity of 6.68 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

DRAFT

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

2.02 CFS

ANNUAL
DIVERSION VOLUME

857.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, Twp 09S, Rge 31E, B.M., POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	30E	12		30.0	33.0		30.0			33.0									126.0
09S	31E	6													35.5	23.0	16.0	27.0	101.5

Total Acres: 227.5

CONDITIONS OF APPROVAL

1. Rights 41-07030, 41-07034 and 41-07081 are also diverted through the point of diversion described above.
2. Rights 41-07030, 41-07034, 41-07081 and 41-07076 when combined shall not exceed a total diversion rate of 6.68 cfs, and a total annual maximum diversion volume of 2840.0 af at the field headgate.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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WATER RIGHT NO. 41-07076

5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this ____ day of _____, 2002

DRAFT

KARL J. DREHER
Director