



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

December 5, 2002

JOSEPHINE BEEMAN
BEEMAN & ASSOCIATES PC
409 W JEFFERSON ST
BOISE ID 83702-6049

RE: Faulkner Land & Livestock Co., Inc,
Water Right 37-8720

Dear Jo:

Norm Young, Phil Rassier, and I appreciated the opportunity to meet with you and Mike Faulkner on November 6, 2002, to discuss the proposed license for Water Right 37-8720. To account for the additional information presented at the meeting, I have made two major changes to the draft application to amend Permit 37-8720.

The first major change to the draft amendment relates to the pump curve prepared by Layne Pumps and submitted by Mr. Faulkner. The pump curve indicates that the system was designed for a diversion capacity of 3000 gallons per minute, which equates to 6.68 cfs. When we believed that the system diversion capacity was 5.83 cfs, IDWR proposed limiting Right 37-8720 to 2.99 cfs so that the sum of the diversion rates for Rights 37-8005B, 37-8812, and 37-8720, all of which are used to irrigate the same 324-acre permissible place of use, would not exceed 5.83 cfs. With the recognition of a diversion capacity of 6.68 cfs, the proposed maximum diversion rate for Right 37-8720 has been raised to 3.20 cfs, which is the maximum rate authorized under Permit 37-8720.

The second major change to the draft amendment appears in approval condition no. 4, which limits the total combined rate of diversion under Rights 37-8005B, 37-8005D, 37-8702, 37-8812, and 37-8720 to 7.09 cfs. The prior draft limited those rights to a combined total of 5.83 cfs. The increase of 1.26 cfs is attributable to two elements. First, 0.85 cfs is attributable to the recognition that the system capacity is 6.68 cfs, not 5.83 cfs. Second, IDWR recognizes that 0.41 cfs was added to the combined total under Transfer 4305, which was approved on July 11, 1994, and did not have to be finalized until July 11, 1995, which is after the development period ended for Right 37-8720. The maximum combined diversion rate limitation of 7.09 cfs proposed for Rights 37-8005B, 37-8005D, 37-8702, 37-8812, and 37-8720 is not a finding that any part of Rights 37-8005B, 37-8005D, and/or 37-8812 has been forfeited. Rather, it demarcates the extent of the additional beneficial use added by Right 37-8720 when it is used together with the other rights diverted from the same well.

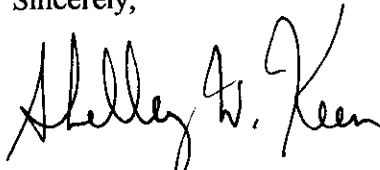
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I also made a minor change to the combined volume presented in approval condition no. 5. It is now 1296 af; in the prior draft it had been rounded to 1300 af.

Please review the enclosed draft amendment form carefully. If you are satisfied that it represents the beneficial use of water established under Permit 37-8720, please sign the form and return it to IDWR with a filing fee of \$50.00 within fourteen days. If you do not concur with the draft amendment, please submit substantial documentation describing your concerns and supporting the changes you think are appropriate.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

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

Shelley Walter Keen
Water Rights Supervisor

Enclosure

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08720

Date of Priority: April 23, 1991

Maximum Diversion Rate: 3.20 CFS

Comes now FAULKNER LAND & LIVESTOCK CO INC
1989 S 1875 E
GOODING ID 83330 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 37-08720, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SE1/4SW1/4 Sec. 31, Twp 06S, Rge 15E, B.M.
GOODING 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	
06S	15E	31		18.0	26.0		20.0			30.0	21.0		26.0	35.0	12.0	24.0	38.0	37.0	287.0
													L 4						
07S	15E	4							1.0										1.0
									L 4										
07S	15E	5	22.0	10.0			4.0												36.0
			L 1	L 2			L 3												

Total Acres: 324

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this _____ day of _____, 200__.

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08720

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-08720 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
2. Rights 37-08005B, 37-08005D, 37-08702, and 37-08812 are also diverted through the point of diversion described above.
3. Rights 37-08005B, 37-08812 and 37-08720 when combined shall not exceed the irrigation of 324 acres.
4. Rights 37-08005B, 37-08005D, 37-08702, 37-08812 and 37-08720 when combined shall not exceed a total diversion rate of 7.09 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1296.0 af at the field headgate for the lands above.
6. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
8. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Witness my hand this _____ day of _____, 2003.

KARL J. DREHER
Director