



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

September 8, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TOM T ALLEGREZZA
SULPHUR CREEK RANCH
7151 W EMERALD ST
BOISE ID 83704

RE: Water Right License 77-7052

Dear Mr. Allegrezza:

We are in receipt of your petition for reconsideration of the licensing of the above referenced water right. We understand that you do not agree with the season of use listed on this license and in response I offer the following.

The season of use on this license is the same as was applied for when the application for permit was submitted to our office. A season of use cannot be increased for a water right because it may cause an expansion of the right and cause injury to other water users.

As we discussed on the telephone recently, you also have Claim No. 77-4184 which is currently pending in Snake River Basin Adjudication (SRBA). This claim is for irrigation of 1 acre, domestic use and power generation use. The power generation use covers use of water year-round. It is our understanding that the water you divert for power can be discharged to your irrigation system and/or to the ponds. Since the irrigation season for this area is limited to April 15 through October 31, the water discharged from your power generator should be discharged to the ponds during the non-irrigation season. As long as you are diverting water for power generation you would also have water flowing through your ponds.

I hope this letter resolves your concerns about having water for your ponds throughout the year. If you have any further questions, please do not hesitate to contact me. If this letter satisfies your concerns, please submit a letter withdrawing your petition for reconsideration as we discussed.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent

KW:k

Adjudication Recommendation Report 77-4184 V1

WATER RIGHT NUMBER: 77-4184 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TOM T ALLEGREZZA 7153 W EMERALD BOISE, ID 83704 (208)377-1188

Status: Active

<u>Source</u>	<u>Tributary</u>
BLUE MOON CREEK	SULPHUR CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15	to 10/31	0.030 CFS	
POWER	01/01	to 12/31	2.350 CFS	
DOMESTIC	01/01	to 12/31	0.150 CFS	
Total Diversion:			2.530 CFS	

BLUE MOON CREEK SE1/4SW1/4 Sec. 16, Twp 14N, Rge 09E, B.M.
VALLEY County

IRRIGATION

[illegible]

POWER

[illegible]

DOMESTIC

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 77-4184 V1

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N 09E 21			X														

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 77-10096 V1

WATER RIGHT NUMBER: 77-10096 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TOM T ALLEGREZZA 7153 W EMERALD BOISE, ID 83704 (208)377-1188

Priority Date: 03/28/1950
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
BLUE MOON CREEK	SULPHUR CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.400 CFS	60.00 AF
	<u>Total Diversion:</u>	0.400 CFS	60.00 AF

Location of Point(s) of Diversion
BLUE MOON CREEK
VALLEY County

SE1/4SW1/4

Sec. 16, Twp 14N, Rge 09E, B.M.

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14N	09E	21			9.0	11.0									20.0

Total Acres: 20

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:

Dates and Other Information:

Based on
Lic 77-2106
(w/ earlier priority date)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 77-10096 V1

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank: