



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

November 12, 2004

E GAIL MCGARRY
USDI BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

TRAVIS L THOMPSON
BARKER ROSHOLT & SIMPSON
113 MAIN AVE WEST STE 303
TWIN FALLS ID 83301-6167

RE: Application for Permit No. 45-7731 (Turner and Simpson)

Dear Protestants:

In your conditional withdrawal of protest for application for permit No. 45-7731 -- which Ronald J. Turner, Lovell Turner, and Joye Simpson filed with IDWR -- you wrote:

The Canal Companies hereby withdraw their previously filed protest to this application subject to the condition that IDWR's approval of the application conforms to the acre limitation and total volume limitation for water right nos. 45-07333A and 45-07333B, as ultimately partially decreed by the Snake River Basin Adjudication (SRBA) District Court. In addition, use of water under this permit in conjunction with water right no. 45-07333A and 45-07333B must be limited to a total instantaneous diversion rate of 1.73 cfs and a total annual diversion volume of 253.8 acre-feet.

While reviewing the application, IDWR noted that SRBA claim 45-13548 represents a third portion of licensed right 45-7333 and that it is diverted from the same well as 45-7333A and 45-7333B. Recommendations for existing uses from the well are:

45-7333A	0.44 cfs	97.3 acres	234.5 afa
45-7333B	0.08 cfs	8.0 acres	19.3 afa
45-13548	0.03 cfs	5.6 acres	13.5 afa
Total	0.55 cfs	110.9 acres	267.3 afa

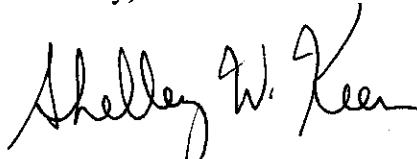
Right 45-7333 was originally licensed for 0.55 cfs, 267.3 afa, and 115 acres. Application 45-7731 includes the place of use for all three parts of 45-7333, 110.9 acres in all, in its proposed place of use.

Gail McGarry and Travis Thompson
November 12, 2004
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IDWR has drafted the permit for 45-7731 to include claim 45-13548 in the combined use limits. Because this proposal differs from the specifications of your conditional withdrawal of protest, IDWR wants to be sure you have an opportunity to comment on the proposal before the permit is issued. A draft permit is enclosed for you to review. If you have any comments or concerns, please submit them to me in writing within fourteen days. If I do not receive a response from you within fourteen days, I will assume that the permit will be acceptable to you as drafted.

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 that reads "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen
Water Rights Supervisor

Cc: Allen Merritt, IDWR Sourthern Region
Ronald J. Turner, Lovell Turner, and/or Joye Simpson

State of Idaho
Department of Water Resources

Draft**Permit to Appropriate Water****Draft**

NO. 45-07731

Priority: February 12, 1996

Maximum Diversion Rate: 1.21 CFS

This is to certify, that RONALD J TURNER
871 E 350 N
DECLO ID 83323

And/Or

LOVELL J TURNER
863 E 350 N
DECLO ID 83323

And/Or

JOYE SIMPSON
871 E 350 N
DECLO ID 83323

have applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	1.21 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SW¼NE¼ Sec. 2, Twp 10S, Rge 24E, B.M. CASSIA 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	
10S 24E 2			33.7					7.3	28.6	1.3					40.0		110.9
								L 3	L 4	L 4							

Total Acres: 110.9

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2005**.
2. Subject to all prior water rights.
3. Rights 45-7731 and 45-7333 (or Claims 45-7333A, 45-7333B and 45-13548 if they are partially decreed in the Snake River Basin Adjudication as split portions of Right 45-7333), when combined, shall not exceed a total diversion rate of 1.76 cfs, a total annual maximum diversion volume of 267.3 af at the field headgate, and the irrigation of 110.9 acres.
4. This right does not authorize the irrigation of land not previously irrigated.

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Draft

Permit to Appropriate Water
NO. 45-07731

Draft

CONDITIONS OF APPROVAL CONTINUED

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
8. 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.