Turner/Simpson
Application for Permit 45-7731
PLACE: Southern IDWR Conf Rm
DATE: September 30, 2004

CONFERENCE OFFICER: Allen Merritt

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Dala Walton	1359 Hansen Burley ID 83318	Bur Reclamation
Gail McGarry	1150 North Curtis RD	BOR
Beth Turner	863 E 350 N. Decb.	
Ron Turner	900 E 200 N Decb	
Jovell Turner	863 E 350 N	Dec Co. ID 83323
Mike Burns	1359 Hansen, Burley, ID 83318	Reclamation
Travis Thompson	113 Main Ave. W Sh 303 Twin Falls, ID	TFCC/NSCC

To whom it may concern

I respectfully submit to you, facts concerning our water right 45-0733, priority date of Jan.19 1978. Following action on Okinawa during WWII, I returned to my wife and two sons in Declo. Needing a home we purchased the Downard Ranch in 1947, consisting of 90 acres and a 6 room home with a W.P.A. outhouse. The only running water was 3ft. of sub-water in the basement. My down-payment was $1200, which I earned weaving and selling seashell necklaces to my buddies after the war ended. My payment was $37.50 per month with about $34.00 applied to interest. The farm had a 38 acre water right, with the balance of 52 acres not farmable since it was alkali, salt grass and sub-water. On Aug.4 1960, I purchased the Lish place of 70 acres bordering my home place on the north This place had a 63 acre water right dated Aug. 9 1912, with full payment made June 30 1918, then relinquished Mar. 15 1929, due to emerging sub-water. A 10 acre water right was granted on Dec. 22 1943, for this farmable ground. Official documents of these transactions are attached. I am unable to find these documents on my home place, however I am certain they are similar. I now had 160 acres of ground with a total of 48 acres of water rights, on the higher ground with 112 acres of subby ground. While trying to drain this ground my neighbor hit a patch of this heavily rooted salt grass and turned my allis chalmers tractor over, killing my 5 year old boy. Minidoka Irrigitation District serves this strip of ground, about 1 mile wide, located between the gravity canal and bordering Snake River. With plenty of water available and no rotation program, farmers were using from 7 to 9 acre feet of water to raise a crop. With sandy, rocky, un-even soil the abundance of water percolated into the soil and emerged above ground at our lower elevation. In the late 50's and early 60's most farmers in the area converted to sprinkler irrigation using an average of 2 acre feet of water, to grow a crop. My 112 acres of subby ground soon dried up and I was even able to pour a concrete floor in my basement. The M.I.D. refused to restore the original water rights, saying it would be too costly to go back and pick up the construction costs of Minidoka Dam and add the O. and M. charges. Farmers could not afford to pick up these extra charges, and only about 6 or 8 farms around us were affected.

We took out our concrete ditches, bought 5 wheel lines and placed a 40 HP pump in Snake River, bordering our property. We soon found out it was illegal to pump from the river, and all surface water for irrigation must pass through the M.I.D. We now had no option except to drill a well. We applied and received a permit 45-7333 approved for 3.09 C.F.S. on 154.5acres, with a priority date of Jan. 19 1978. We drilled our well and due to a high water table, and a shortage of money, we only put down 25 ft of column. This 40HP turbin pump ran the 5 wheel lines and one hand line, at 60 lb. pressure using 9/64 jets. Using 180GPM for each wheel line and 100GPM for the hand line, it is easy to compute that the pump was delivering 1000GPM. Following several calls and after several years we finally got Water Resources to come and measure our flow rate. Following about 8 years of sprinkler irrigation in the area, the water table dropped enough for our short coupled pump to draw air, and would support only one wheel line. Water Resources measured a flow rate of .55CFI. We borrowed a 40HP centrifugal pump from my brother Bruce and completed irrigating our crops using MID Water. I called Gale Stayley at Vertaline Pump in Twin Falls. He could not lower the bowls since the hole was drilled crooked and fractured lava blocked the hole.

We applied to water resources and received a license, April 25 1990to drill a new well about 100ft east of the old well. The new well license 45-7333 called for 115 acres—for 267 AF. with a flow rate of .55c.f.s.. Whereas "water people deal in c.f.s., and we old time irrigators dealt in g.p.m., and inches, we failed to equate what a small amount of water .55 c.f.s. becomes in inches or g.p.m. I fail to see why Water Resources would approve our replacement well for 267.3 AF on 115 acres, with .55c.f.s. or only 246 GPM, when the original permit on the abandoned well called for 3.09c.f.s., or 1387g.p.m. Following several calls to get the new well measured, I called finally called Paul's Pump Service. I have a receipt dated July 19 1993, signed by Paul Wilkinson, showing a reading of 2.23 c.f.s.,or 1000g.p.m. I am forced to ask this final question—Why would we since 1978, use a 40hp pump drawing 52 amps to deliver .55cfs, or 241 gpm, when a 10hp pump drawing 14 amp will deliver the same flow? Power records at South Side Lines in Declo reflect the amperes used by this 40hp pump, the only one we have used on our Declo farm. We have not used our limited amount of M.I.D.water for years since it can only be applied on that specific acre permitted. It cannot be sold, leased or transferred, and we are forced to pay the O.& M charges of about $1200 each year and send this water down Snake River for other users.

We the undersigned, will accept the recommendations of Jim Stanton of Water Resources, outlined in his letter of 10/14/93, recommending that the flow rate be adjusted to 792gpm.,as measured by Brian Higgs of Water Resources.

Sincerely Yours

Lowell J Turner

Ronald J. Turner

Joye Simpson

Analysis by ADM 9/30/04

45-7731

	PCC Mix		PCC
	0.7	362.1	253.47
	0.3	246.86	74.058
			327.528

Year	KWH	AF
1997	62795	191.7241
1998	36900	112.6621
1999	74374	227.0768
2000	57464	175.4476
2001	63370	193.4796
2002	52687	160.8626

Recommendations

45-7333A 0.44cfs and 234.5 AF on 97.3 acres

45-7333B 0.08 cfs and 19.3 AF on 8 acres

45-13548 0.03 cfs and 13.5 on 5.6 acres

Total 0.55 cfs and 267.3 AF on 110.9

cfs	days/year	af/cfs/day	AF/Year
0.52	246	1.9835	253.7293

(110.9 x.02)-.55=1.668

792/448.8= 1.76

1.76-.55= 1.21

well tested July 1993 - Paul Wilkinson

STATEMENT

Paul's Pump Service
Paul Wilkinson
Rt. 1, Box 293
Rupert, Idaho 83350
436-6386

DATE July 19, 1993

TO Lovel Turner
Rt 1 Box 412
Rupert, Ida 83350

~~DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE~~ $

Home Place	27' to water 40' well
Ron-old ring.	27' to water 58' well
Moon's	50' to water 77' well
New ring.	35' to water - running at 1,000 G.P.M. — 2.23 cfs 1.42 cfs Theoretical (71 inches)

Pump man found 112 inches on this date - 6 wheel lines.

TOPS FORM 3809

YOUR CHECK IS YOUR RECEIPT

4—196

Department of the Interior

United States Land Office Hailey, Idaho.

Fees $ 5.00

Comm. $ 2.39 Orig.
3.00 Final.

Add'l Fees $ 1.99 test

Serial No. 04133

Receipt No. HE 4189- $7.39
538672- 1.99
2181406- 3.00

Final Certificate.

Homestead.

Subject to Lien, Under Act of August 9, 1912, 37 Stat. 265.

TRIPLICATE

January 30th, 1918.
(Date.)

It is hereby certified that, pursuant to the provisions of Section 2291, Revised Statutes of the United States,

WALKER T. LUCAS,

Rupert, Idaho,

has made payment in full for

Farm Unit "B" or Lots 2 and 3 and SW¼NE¼

Section 2

Township 10 South, Range 24 East, Boise Meridian,

, containing 63 acres.

Now, therefore, be it known that, on presentation of this Certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said Walter T. Lucas

shall be entitled to receive a Patent for the land above described

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DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE

Minidoka IRRIGATION PROJECT.

APPLICATION FOR PERMANENT WATER RIGHT

For all lands except entries under the reclamation law

December 22nd 1943

1. IN PURSUANCE of the provisions of the act of June 17, 1902 (32 Stat., 388), and acts amendatory thereof or supplementary thereto, especially the act of August 9, 1912 (37 Stat., 265), and the act of August 13, 1914 (38 Stat., 686), all herein styled the reclamation law, and the rules and regulations established under said law,[1]

and subject to the conditions named in this instrument, application is hereby made to THE UNITED STATES OF AMERICA, herein styled United States, by the UNDERSIGNED, herein styled Applicant, for a permanent water right for the irrigation of and to be appurtenant to all of the irrigable area now or hereafter developed under the above-named project within the tract of land described in paragraph 2, as now or hereafter determined by the Secretary of the Interior.

2. **Description of land.**—The land on account of which a water right is desired, contains a total of 63.0 acres, of which 10.0 acres are now classed as irrigable, and is more particularly described as follows:

Farm Unit "B" or the SW¼NE¼ and Lots 2 and 3

Section 2, Township 10-S, Range 24-E, Boise M

3. **Description of water right.**—The quantity of water to be furnished hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land described in paragraph 2: *Provided*, That in case of a shortage at any time the amount to be furnished shall be an equitable proportionate share, as nearly as practical operations will permit, of the water actually available at the time for all of the area being watered from the same source of supply, such proportionate share to be determined by the project manager. A plan of rotation shall be followed wherever, in the opinion of the project manager, it is practicable. If a measuring device is not installed at the point of delivery to the Applicant, the amount of water delivered shall be determined by the estimate of the project manager. In distributing and apportioning the water the project manager may take into consideration the character and necessities of the land. On account of drought, inaccuracy in distribution, or other cause, there may occur at times a shortage in the water supply, and while the United States will use all reasonable means to guard against such shortages, in no event shall any liability accrue against the United States, its officers, agents, or employees, for any damage direct or indirect arising therefrom.

4. **Agreement to pay water charges.**—The Applicant hereby agrees to pay to the United States the charges now and hereafter properly assessable against said land on account of said water right, together with any penalties for delinquency that may accrue, as provided by law and by the regulations, orders, and public notices now or hereafter promulgated by the Secretary of the Interior thereunder, such payment to be made in the manner, at the times, and subject to the conditions provided by said law, regulations, orders, and public notices, which charges are as follows: (*a*) An annual operation and maintenance charge for operating and maintaining the irrigation system, and (*b*) a construction charge to return the cost of the system. These charges are assessable against each acre of said land now and hereafter found irrigable by the Secretary of the Interior. Said land is now subject to public notice described as follows:[2]

Sept. 24, 1914

5. **Lien to secure payment of water charges.**—For the purpose of securing payment to the United States of the obligations, and each of them, described in paragraph 4, according to the conditions therein stated, a lien in favor of the United States in the amount of the total obligation described in paragraph 4, is hereby created and made a charge upon all of the said land, both irrigable and nonirrigable, together with its privileges and appurtenances, including all water rights. Upon the failure of Applicant to pay when due any installment of charges described in paragraph 4, the United States is empowered to foreclose the lien hereby created and sell said land to satisfy the obligation due the United States.

6—6557

DEPARTMENT OF THE INTERIOR
Bureau of Reclamation
Minidoka project, Idaho,
Gravity division.

Lush place

Order canceling water-right application.

WHEREAS, under the Gravity division of the Minidoka irrigation project in Idaho, a certain water-right application to the United States of America, described below, has been heretofore made, to-wit:

(a) Serial No. 404, dated March 19, 1912, made by Walter T. Lucas for farm unit "B" or NW¼NW¼ and lots 2 and 3, Sec. 2, T. 10 S., R. 24 E., B.M., containing 63 acres of irrigable public land; and

WHEREAS, the said Walter T. Lucas is delinquent for more than one year in the payment of water-right charges due under said application;

NOW, THEREFORE, IN PURSUANCE OF AUTHORITY CONTAINED IN THE FIRST ASSISTANT SECRETARY'S APPROVAL OF MAY 15, 1929, IT IS HEREBY ORDERED, that the said water-right application above described and the water right initiated thereunder are, and each of them is, hereby canceled and declared null, void, and of no effect.

Dated at Washington, D. C., this 31" day of May 1929.

Elwood Mead

Commissioner.

UNITED STATES OF AMERICA)
) ss.
District of Columbia)

On this 31" day of May, in the year 1929, before me a notary public in and for the District of Columbia, personally appeared Elwood Mead, Commissioner of the Bureau of Reclamation, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, in his official capacity, for the uses and purposes therein stated.

(Sgd.) M. A. Schmurr

Notary Public

My commission expires June 17, 1932.

Lush Place

cc - Denver
Burley
Portland

Irish plan

Burley, Idaho, Dec. 20, 1943.

Mr. V. A. Mayes,
Rupert, Idaho.

Dear Sir:

Enclosed herewith is a partially filled out water right application covering the 10.0 acres of irrigable land in the SW¼NE¼ and Lots 2 and 3, Sec. 2, T. 10-S., R. 24-E., BM.

After the application has been completed it should be returned to this office at once with a check made payable to "Treasurer, United States" in the amount of $15.00 which is the initial installment of the construction charges.

If the application is properly filled out and notarized it will be approved and then returned to you to have it recorded in the County Records.

Yours truly,

CC- M.I.D.

S. H. MORGAN
Superintendant.

T. 10-S., R. 24-E., BM.

Sec. 2, Farm Unit "F" on the SW¼NE¼ and Lots 2 and 3, be amended by reducing the irrigable area from 25.0 acres to 10.0 acres.

The water right on this farm unit was cancelled on May 31, 1939 for non-payment of water right charges by the former owner, due to badly warped condition.

The present owner of this farm unit wants to file a water right application on the 10.0 acres of irrigable land, the balance of the land is too out to be farmed. The proposed change is to restore the 10.0 acres to a paying status.

Irish plan

Amendment of farm Unit
approved Nov 13, 1943

S. H. MORGAN

In Duplicate
CC-C.E.
D.C.