



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

July 25, 2007

ROGER A. BROWNING
360 N BEDFORD DR # 204
BEVERLY HILLS, CA 90210

RE: Measurement and Control for Goat Creek Diversions

Dear Mr. Browning:

This letter is a follow-up to our conversation on July 13, 2007 during which we discussed your water rights and measurement and control of the Goat Creek diversions. I have reviewed your water rights, and I have considered your present water usage as you described it to me. As we discussed, you will need to file an application for water rights transfer so your water rights authorize your present usage. Following the transfer, you will be authorized to divert water from four points of diversion, two of which will require measurement and control prior to the start of the 2008 irrigation season.

You currently hold three water rights as shown in the table below.

Table with 3 columns: Water Right Number, Diversion Name, Place of Use Description. Rows include 71-10853, 71-10854, and 71-4055B.

Based on our discussions, your currently irrigate the east side of the road from the ditch off of GC7B and from the pump off of GC5 (Browning Pump No. 2 on the attached map). However, it was unclear to me whether the property on the west side of the road was also partially irrigated from the No. 2 pump. You had indicated that your pump in the creek (Browning Pump No. 1) should be diverting water under 71-4055B, but it was unclear whether the No. 1 pump also partially irrigated the east side of the road.

Based on our discussions, and on the assumption that the No.1 pump only irrigates the west side of the road and the No. 2 pump only irrigates the east side, I recommend you file a transfer to do the following:

- 1. Add the Pump No. 1 location as a point of diversion for water right 71-4055B. The legal description for the pump is NW 1/4 of the SW 1/4 of the SE 1/4 of Section 8, Township 10N Range 13E.
2. Add the GC5 location as a point of diversion for water right 71-10854. The legal description is NW 1/4 of the SW 1/4 of the SE 1/4 of Section 8, Township 10N Range 13E.

After making the changes listed above, you can irrigate the west side of the road with the No. 1 pump or the GC6 ditch, and can irrigate the east side with the No. 2 pump, the GC6 ditch, or the GC7B ditch. The No. 2 pump may not be used to irrigate the west side, and the No. 1 pump may not be used to irrigate the east side. However, in addition to the changes listed above, you may also apply to combine the place of use for the three rights so your entire property may be watered from any of the four points of diversion.

After adding the two points of diversion as listed above, four points of diversion would be available for your use. Three of the four exceed the flow rate and irrigation acreage criteria for requiring measurement and control as shown below.

Diversion	Water Rights	Diversion Rate	Irrigated Acres
GC5	71-6, 71-7, 71-10190, 71-10854	>0.24 cfs	> 5 acres
GC5A1 (Pump No. 1)	71-4055B	0.06 cfs	2.1 acres
GC6	71-4055B, 71-10854, 71-10144	>0.24 cfs	> 5 acres
GC7B	71-16, 71-19A, 71-22B, 71-19B, 71-6, 71-20A, 71-20B, 71-7, 71-21A, 71-21B, 71-10190, 71-10853, 71-4022, 71-4053, 71-10644, 71-7084	>0.24 cfs	> 5 acres

GC5 is the point of diversion from Goat Creek for the ditch from which your No. 2 pump draws. The other rights out of this ditch are owned by the Piva family. I have not received any correspondence from them regarding this diversion. However, this diversion must be brought into compliance prior to the start of the 2008 irrigation season.

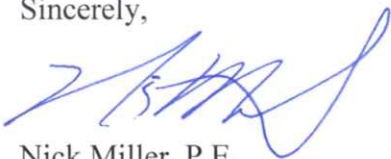
After the transfer, water right 71-4055B will be drawn from GC5A1 (your No. 1 pump). This diversion does not require measurement and control.

Based on our conversations, GC6 is not regularly used for irrigation. As such, measurement and control are not required at GC6 until you and/or Mr. Parks resume diversion at that location.

GC7B is a larger, shared diversion for which we discussed possible measurement and control options. I have sent correspondence to Mrs. Kathryn Goodwin on July 25, 2007 discussing this diversion, and sent a copy to you.

If you have any questions, or if I can be of further assistance, please feel free to contact me at (208)-287-4956.

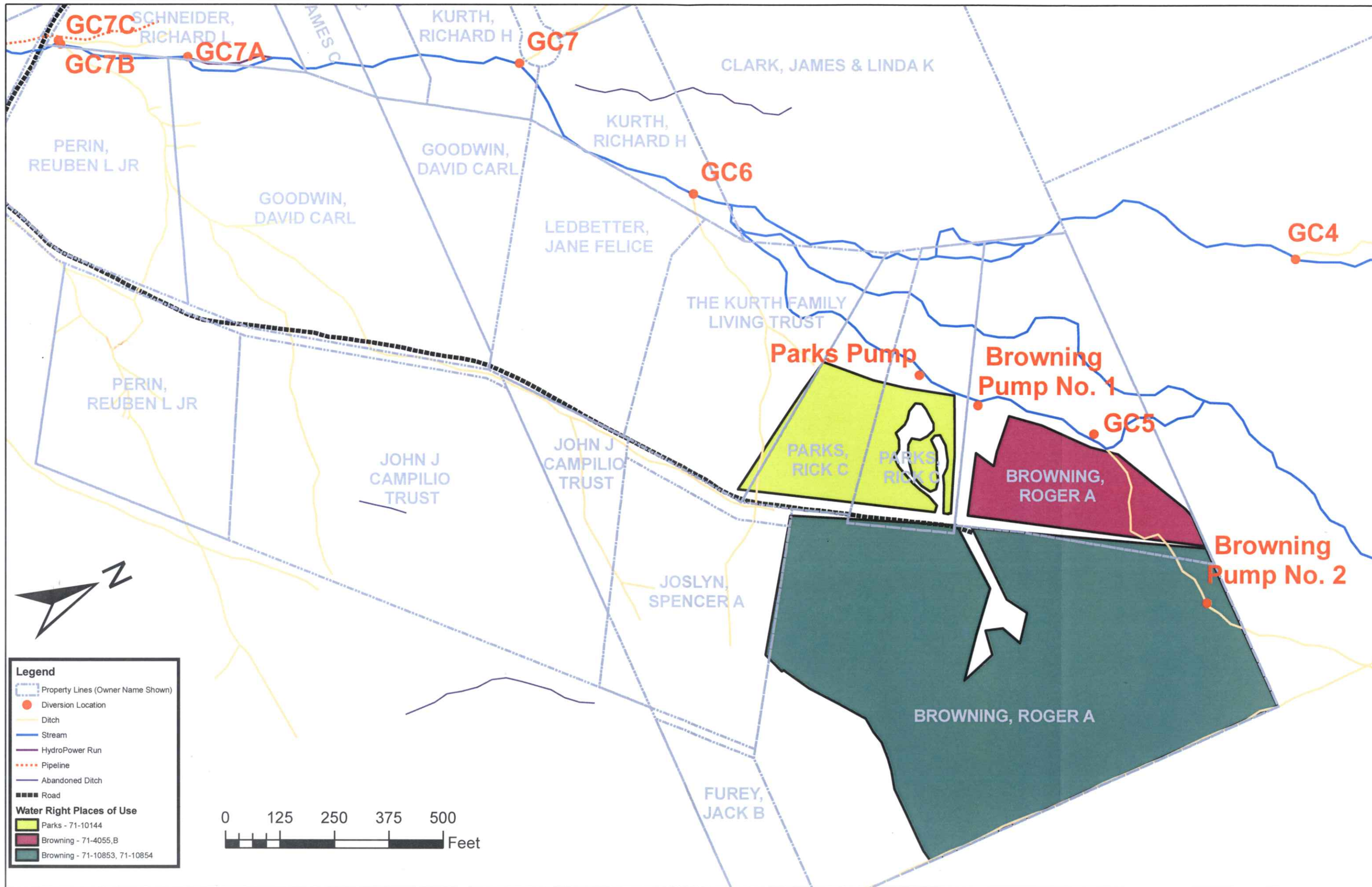
Sincerely,



Nick Miller, P.E.
Water Distribution Section

Enclosures:

- Application for Transfer of water right and instructions – Six Pages
- Map showing existing water rights – One page @ 11"x 17"



Legend

- Property Lines (Owner Name Shown)
- Diversion Location
- Ditch
- Stream
- HydroPower Run
- Pipeline
- Abandoned Ditch
- Road

Water Right Places of Use

- Parks - 71-10144
- Browning - 71-4055,B
- Browning - 71-10853, 71-10854

