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March 12, 2004

Via Email

Karl Dreher, Director
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

Re: Gary and Helen DeMoss: 37-7385B
Plan to Offset Depletions to the ESPA
March 12, 2004 Deadline in March 10, 2004 Amended Rangen Order

Dear Karl:

The enclosed plan is filed to comply with your March 10, 2004 Amended Order "In the Matter of Distribution of Water to Water Rights Nos. 36-15501, 36-02551, and 36-07694" (the Rangen Order). Gary and Helen DeMoss hold ground water right 37-7385B which is in Water District 130 and is junior in priority to July 13, 1962. Ground water right 37-7385B is presently not part of the North Snake Ground Water District (NSGWD). However, NSGWD has informed the DeMosses that they may petition to join the ground water district.

The DeMosses have already had Corrie Skinner (IDWR Twin Falls) look at their plan. When Mr. Skinner recommended additional review, our firm was contacted this Wednesday, March 10. We immediately asked Greg Sullivan of Spronk Water Engineers to review the plan. Mr. Sullivan's availability has been limited this week. In addition, he will be attending a technical meeting on March 16 in Boise directed to the ground water modeling used in the Rangen Order.

For these reasons, although the plan is being filed today to comply with the March 12 deadline, it may be revised pending Greg Sullivan's review. We anticipate that review would be completed following the March 16 meeting.

We appreciate your consideration of these circumstances.

Sincerely,

BEEMAN & ASSOCIATES, P.C.

Jo Beeman

Josephine P. Beeman

JPB:
Enclosure
cc: Gary and Helen DeMoss
Greg Sullivan
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Bray Lake Ranch
P.O. Box 61
Bliss, ID 83314
(208)352-4385

March 9, 2004

Mr. Karl J. Dreher, Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Mitigation plan for ground water right no. 37-7385B in Water District 130

Dear Mr. Dreher,

We applied for and were granted a permissible place of use (PPOU) in 2003 to allow flexibility of water use during the irrigation season. In this PPOU we included the 124 acres of ground irrigated by ground water right no. 37-7385B. This allows use of Bray Lake surface water rights to irrigate the 124 acres in years when surface water is available.

Before the PPOU was granted, the ground water right was used as a primary source (up to 496 acre feet per year) of irrigation. Every year the ground water is not pumped, the incidental recharge from Bray Lake surface water will add to the aquifer. This could be credit for recharge on this ground water right. It is economically beneficial to use Bray Lake water instead of the ground water since pumping and pressurization costs associated with the well are eliminated, ensuring that the well would not be used during adequate surface water years.

The following is a record of water available from Bray Lake since we have owned Bray Lake Ranch.

1990 Full Season
1991 Out of water in July
1992 No water
1993 Full Season
1994 Out in July
1995 Full Season
1996 Full Season
1997 Full Season
1998 Full Season
1999 Full Season
2000 Full Season
2001 Out in July
2002 Full Season
2003 Out in July
2004 Looks like it will be Full Season

Ten years out of the past 14 years would have allowed us to preserve and recharge the ground water right.

We respectfully propose this plan should fulfill the mitigation requirements, allowing full use of ground water right no. 37-7385-B whenever surface water from Bray Lake is not available.

Sincerely,

Gary A. DeMoss and Helen DeMoss

Enclosure