



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 11, 2004

FRANKLIN D WRIGHT
607 W 225 S
BLACKFOOT, ID 83221

REF: Snake River Basin Adjudication (SRBA)
Amended Notice of Claims 27-37K and 27-23F.

Subject: Correct the legal on the place of use (POU).

RESPONSE DATE: MAY 25, 2004

Dear Mr. Wright,

While reviewing your claims I discovered that the place of use claimed under these two claims does not match the legal under the transfer or the map you provided the Department when you filed your adjudication claims.

Since the Amended claims include only a correction to the legal description it doesn't require an amending fee. Please carefully review the claims for any additional error and sign them in front of a notary and return them to me as soon as possible for processing.

If you have any questions, please feel free to contact me in my office in Soda Springs.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Amended Notice of Claims 27-37K and 27-23F.



Close

From: Skaggs, Pam
To: Carlsen, Ernie; Bird, Cindy; McHugh, Candice
Cc:
Subject: RE: Franklin Wright T5027- Order
Sent: 3/8/2005 8:31 AM

Importance: Normal

FYI

Jeff has prepared an Order Correcting Transfer Approval to address this matter. When it has been signed, I will notify AJ to update their records to match. No new approval document will be issued.

-----Original Message-----

From: Skaggs, Pam
Sent: Monday, March 07, 2005 9:05 AM
To: Peppersack, Jeff
Subject: FW: Franklin Wright T5027

Jeff,

This does appear to be an error on the approval document. Review records show 70 acres total between the rights & 35 acre limit on 27-37D only. What do you suggest?

Pam

-----Original Message-----

From: Carlsen, Ernie
Sent: Friday, March 04, 2005 4:14 PM
To: Bird, Cindy
Cc: Skaggs, Pam; McHugh, Candice
Subject: RE: Franklin Wright T5027

Cindy after looking at the file here at Eastern I believe the second remark should say the combined use is 70 acres. The 70 acres is consistent with the acreage listed in the POU and documentation included with the transfer application. Since the transfer was approved in 1998 it may require correcting by Allocations in order to up the acreage limit.

Pam please check your records to determine the combined use remark should state 70 acres.
Candice will the transfer have to be corrected in order for the claim recommendations to reflect 70 acres instead of the 35 stated in remarks?

Ernie

-----Original Message-----

From: Bird, Cindy
Sent: Friday, March 04, 2005 1:56 PM
To: McHugh, Candice
Cc: Carlsen, Ernie

Subject: Franklin Wright T5027

good afternoon,

In reviewing 27-27C for Franklin Wright I notice one of the remarks on the above listed transfer that appears to wrong. Or maybe I'm interpreting it incorrectly. The transfer was approved for 70 acres with the following remarks.

What the remarks says: Right 27-37D is limited to the irrigation of 35.0 acres within the place of use described above in a single irrigation season.

Rights 27-23F, 27-27D and 27-37D when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 280.0 af at the field headgate, and the irrigation of 35 acres.

This last remark makes it sound like when the 3 rights are combined they can only irrigate a total of 35 acres? Would you interpret it that way? Or does the first remark clarify that it is only 27-37D that is limited to the 35 acres and the rights combined have diversion limits?

thanks,
Cindy



Close

From: Carlsen, Ernie
To: Bird, Cindy
Cc: Skaggs, Pam; McHugh, Candice
Subject: RE: Franklin Wright T5027
Sent: 3/4/2005 4:13 PM

Importance: Normal

Cindy after looking at the file here at Eastern I believe the second remark should say the combined use is 70 acres. The 70 acres is consistent with the acreage listed in the POU and documentation included with the transfer application. Since the transfer was approved in 1998 it may require correcting by Allocations in order to up the acreage limit.

Pam please check your records to determine the combined use remark should state 70 acres.

Candice will the transfer have to be corrected in order for the claim recommendations to reflect 70 acres instead of the 35 stated in remarks?

Ernie

-----Original Message-----

From: Bird, Cindy
Sent: Friday, March 04, 2005 1:56 PM
To: McHugh, Candice
Cc: Carlsen, Ernie
Subject: Franklin Wright T5027

good afternoon,

In reviewing 27-27C for Franklin Wright I notice one of the remarks on the above listed transfer that appears to wrong. Or maybe I'm interpreting it incorrectly. The transfer was approved for 70 acres with the following remarks.

What the remarks says: Right 27-37D is limited to the irrigation of 35.0 acres within the place of use described above in a single irrigation season.

Rights 27-23F, 27-27D and 27-37D when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 280.0 af at the field headgate, and the irrigation of 35 acres.

This last remark makes it sound like when the 3 rights are combined they can only irrigate a total of 35 acres? Would you interpret it that way? Or does the first remark clarify that it is only 27-37D that is limited to the 35 acres and the rights combined have diversion limits?

thanks,
Cindy

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.)	
5027 IN THE NAME OF PHYLLIS E)	PRELIMINARY ORDER CORRECTING
WRIGHT)	TRANSFER APPROVAL
_____)	

This matter having come before the Department of Water Resources (Department) as a result of an application for transfer of water rights, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On February 11, 1997, Phyllis E. Wright (applicant) submitted application for transfer no. 5027 (transfer) to the Department to change points of diversion for a portion of decreed water right nos. 27-23D, 27-27A and 27-37A for irrigation of 70 acres.
2. On November 16, 1998 the Department approved the transfer to change the points of diversion and renumbered the water rights to show the portions owned by the applicant. The portions of the water rights owned by the applicant were renumbered to 27-23F (split from 27-23D), 27-27D (split from 27-27A) and 27-37D (split from 27-37A).
3. The transfer approval included condition of approval no. 8 as follows:
 8. Rights 27-00023F, 27-00027D and 27-00037D when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 280.0 af at the field headgate, and the irrigation of 35.0 acres.

CONCLUSIONS OF LAW

1. Condition no. 8 of the transfer approval contains a clerical error regarding the combined limit of acres allowed for irrigation under the water rights. The total number of acres allowed under the water rights when used in combination should be 70 acres instead of 35 acres.
2. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, *Idaho Code*.
3. The Department should correct condition no. 8 of the transfer approval to show a combined limit of 70 acres allowed for irrigation under the water rights.

ORDER

IT IS HEREBY ORDERED that condition of approval no 8 of the transfer approval for Transfer No. 5027 is **CORRECTED** as follows:

8. Rights 27-00023F, 27-00027D and 27-00037D when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 280.0 af at the field headgate, and the irrigation of 70.0 acres.

Dated this 9th day of March, 2005.



GARY SPACKMAN
Chief, Water Allocation Bureau