



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

October 17, 2012

Diana Delaney
Case Administrator
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707

RE: Uncontested Overlapping Water Right 74-2320

Dear Diana:

Ellsworth Angus Ranch (Ellsworth) water right 74-2320 was identified by IDWR as an uncontested overlap to high flow water rights, 74-15183 and 74-15190, also claimed by Ellsworth. As you no doubt recall, all Lemhi high flow claims, including 74-15183 and 74-15190, were disallowed in proceedings conducted under the high flow lead subcase, 74-15051. Ellsworth rights 74-42, 74-66, 74-67, 74-110, 74-111, 74-2329, 74-7006 and 74-7148 were also identified as uncontested overlaps to the Ellsworth high flow rights. However, these rights were the subject of a 2009 transfer (transfer no. 74356, filed on March 28, 2010), while right 74-2320 was not identified as part of that transfer.

In reviewing rights that the court identified as not yet decreed in the SRBA, the transferred group of Ellsworth rights came to light. Upon closer scrutiny, these rights were found to be impacted by the disallowal of the Ellsworth high flow rights as well as errors discovered in the Notice of Completed Administrative Proceeding (NCAP) submitted on the transfer in March 2010. IDWR submitted an Amended NCAP on June 6, 2012, addressing these issues but, as right 74-2320 was not included in the transfer, IDWR was not aware at that time it also needed to be addressed.

As the review of undecreed SRBA rights continued, right 74-2320 was identified and scrutinized. It became apparent that transfer no. 74356 had an impact on the recommendation of this right, even though it had not been directly involved in the transfer. Attached is an updated recommendation reflecting that impact. IDWR has added a combined use condition to the recommendation which notes the connection that

exists between the Ellsworth rights. IDWR is providing this recommendation to the Court in hopes of moving the right forward.

Please don't hesitate to call me at 208-287-4816 should you have any questions. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vicki Kelly".

Vicki Kelly,
Paralegal

Enc.

cc: Ellsworth Angus Ranch

07/24/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-2320

NAME AND ADDRESS: ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE ID 83464

SOURCE: EIGHTEENMILE CREEK
TEXAS CREEK

TRIBUTARY: LEMHI RIVER
TRIBUTARY: LEMHI RIVER

QUANTITY: 2.300 CFS

PRIORITY DATE: 11/08/1957

POINT OF
DIVERSION:

T15N R26E S1 NESW Within LEMHI County
T15N R26E S11 SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		3/15 11/15		2.300 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>				
	T16N R26E S34	SENE	4.20	T16N R26E S34	NESE 0.10
	T16N R26E S35	SWNE	14.00	T16N R26E S35	SWNW 35.00
	T16N R26E S35	SENW	34.00	T16N R26E S35	NESW 2.60
	T16N R26E S35	NWSW	4.40	T16N R26E S35	NESE 7.70
	T16N R26E S35	NWSE	13.00		

115 ACRES TOTAL

Right nos. 74-42, 74-66, 74-67, 74-110, 74-111, 74-2320, 74-2329, 74-7006 and 74-7148 are limited to the irrigation of a combined total of 880 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed