

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-51

Date Received

Receipt Number

Amended
**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant(s) Y 3 Ranch Phone (208) 342-8901
Mailing Address PO Box 5405, Boise, ID Zip 83705
2. Date of Priority (only one (1) per claim) 5/15/1891
3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River
4. a. Location of existing point of diversion is: Township 1S Range 18E Section 02,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, 2 B.M., County of Blaine
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from 04/01 to 11/01 amount 2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01S	18E	9	X		X					X	X			X		X	X	X	235
01S	18E	10	X	X	X		X	X	X	X	X	X							110
01S	18E	4									X	X	X	X					142
01S	18E	16		X			X												26

Total number of acres irrigated 513

11. In which county(ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No X

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as describe above.

37-663, 37-1231, 37-7113A, 37-7838A or None ()

14. Remarks:

Water right numbers 37-51, 37-663, 37-1231, 37-7113A, 37-7838A irrigate approximately 487 acres within Y 3

Ranch's property, and approximately 26 acres of IDL lands. All of these lands were irrigated prior to 1987.

Y 3 Ranch owns the lands in Secs. 4, 9, and 10. Y 3 irrigates lands in Sec. 16 under a lease agreement with IDL.

Last Name Y-3 Ranch

Ident. No. 37-51

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 37-51

Court _____ Case Number _____ Decree Date 12/13/1909

Plaintiff vs Defendant S.C. Frost, et al. v. Alturas Water Company, et al. (Frost Decree)

16. Signature(s)

(a.) by signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Attorney

Title

of Y-3 Ranch, that I have signed the foregoing

Organization

document in the space below as Attorney of Y-3 Ranch

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Attorney, Y-3 Ranch

Date 5/8/08

State of Idaho/or _____)
_____) SS.

County of Ada

Subscribed and sworn to, affirmed before me this

8th

day of

May

2008

Notary Public

Residing at

Boise Idaho

My Commission Expires

Aug. 23, 2013

17. Notice of Appearance:

Please Print Name

Notice is hereby given that Michael P. Lawrence will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

[Signature]

Address 601 W. Bannock, P.O. Box 2720, Boise, ID 83702

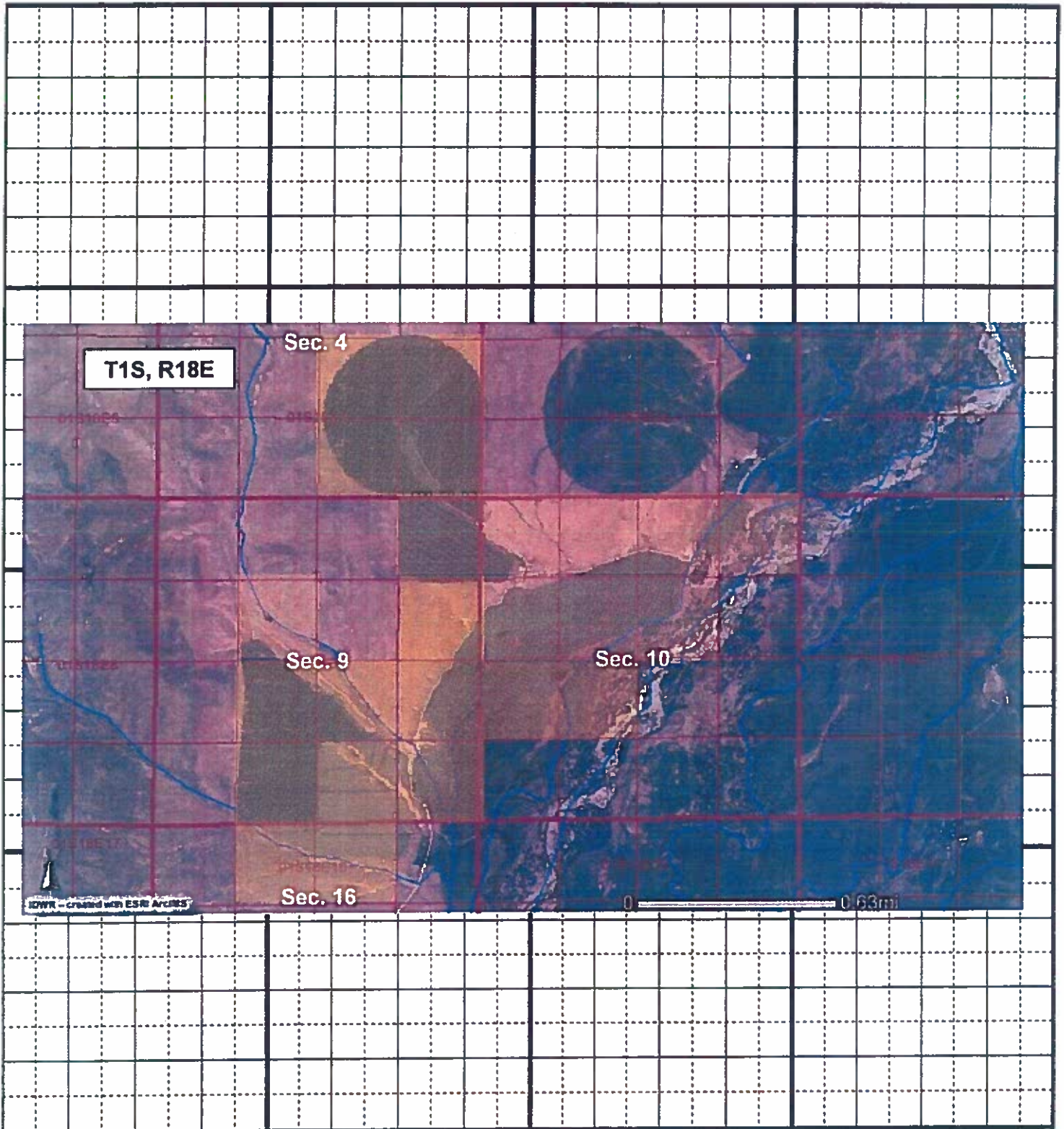
Date

5/8/08

Last Name Y-3 Ranch

Ident. Number 37-51

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.
Scale: 2 inches equals 1 mile



Last Name Y-3 Ranch

Ident. No. 37-51

T1N R18E

T1S R18E

32

33

3

31.7

34.7

29.1

39.3

0.8

39.3

5.2

6.4

9.5

30.6

10.1

33.8

4.4

23

4.3

34.9

9.5

0.4

40.8

35.6

30

15

Legend

-  Property Boundary
-  459.4 Irrigated Acres
-  Sections
-  40-Acre Tracts

2006 NAIP Photography

0 0.125 0.25
Miles



Water Engineering, LLC
water resource consultants
800 S. River Park Lane, Ste. 100, Provo, Utah 84601
801.734.6141 Fax: 801.734.6142



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00051

Date Received: 10/18/1988

Receipt No: C004221

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: Y-3 RANCH
Address: P.O. BOX 5405
BOISE, ID 83705
208-342-8901

2. Date of Priority: MAY 15, 1891

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	18E	2	SW	NE		2	BLAINE

5. Description of diverting works:
DIVERSION DAM, DITCHES, HEADGATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	18E	10	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0

Section Acres 160.0

A37-00051

Page 1

Date: 01/19/89

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Total Acres 160.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-07113, 37-07838, 37-00663

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A37-00057Date Received 10-18-88Receipt Number 0004221

RECEIVED

OCT 25 1988

Department of Water Resources
Southern Region OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 18 1988

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Y-3 RANCH Phone (208) 342-8901Mailing Address P.O. Box 5405, BOISE, ID. Zip 837052. Date of Priority (Only one (1) per claim) 15 MAY 18913. Source of water supply (a) BIG WOOD RIVER
which is tributary to (b) MAJAD RIVER4. a. Location of existing point of diversion is: Township 01S Range 18E Section 02,
- 1/4 of SW 1/4 of NE 1/4, Govt. Lot, 02 B.M., County of BLAINEAdditional points of diversion if any: NONE

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DIVERSION DAM, DITCHESHEADGATES ETC

COPY

MICROFILMED
FEB 22 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Apr 1 to Nov 1 amount 2.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 400 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
01S	18E	10	40	40			40	40											160

Total number of acres irrigated 160

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

37-7113 & 37-7838 or None ☒

14. Remarks:

Last Name Y-3 RANCH Ident No. _____

COPY

MICROFILMED
FEB 22 1993
Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

A hand-drawn map on a grid. The map shows a river labeled "R-18 E" at the bottom. A shaded area on the right is labeled "PLACE OF USE". Several numbered points are marked: 2, 3, 4, 9, 10, and 11. A compass rose is in the top right corner.

COPY

Last Name Y-3 RANCH Ident No. _____

MICROFILMED
 FEB 22 1992
 Copies: White-State, Yellow-Congress

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 37-0051
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am A PARTNER
Title

of Y-3 RANCH
Organization, that I have signed the foregoing

document in the space below as PARTNER of Y-3 RANCH
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Ronald C. Yanke

Title and Organization PARTNER Y-3 RANCH Date 10/18/88
RONALD C. YANKE

State of Idaho/or IDAHO)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 18th day of October 19 88

SEAL

Notary Public KEITH E. STOKES

Residing at BOLSE, IDAHO

My Commission Expires APR 9, 1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

COPY

MICROFILMED
FEB 22 1993

Last Name Y-3 RANCH Ident. Number _____

Copies White-State, Yellow-Claimant

09/08/2010

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

RIGHT NUMBER: 37-51

NAME AND ADDRESS: Y 3 RANCH
PO BOX 5405
BOISE ID 83705-5405

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 05/15/1891

POINT OF
DIVERSION:

T01S R18E S2 SWSWNE Lot 2 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/15 10/31		2.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>				
	T01S R18E S04	NESE	37.00	T01S R18E S04	NWSE 27.00
	T01S R18E S04	SWSE	20.00	T01S R18E S04	SESE 40.00
	T01S R18E S09	NENE	40.00	T01S R18E S09	SENE 4.50
	T01S R18E S09	SENE	4.80	T01S R18E S09	NESW 37.00
	T01S R18E S09	SESE	41.00	T01S R18E S09	NESE 23.00
	T01S R18E S09	NWSE	9.60	T01S R18E S09	SWSE 35.00
	T01S R18E S09	SESE	31.00	T01S R18E S10	NENE 4.90
	T01S R18E S10	NWNE	3.70	T01S R18E S10	NWNW 5.70
	T01S R18E S10	SWNW	15.00		

379.2 ACRES TOTAL

Right Nos. 37- 51, 37-663, 37-1231 and 37-22329 are limited to the irrigation of a combined total of 379.2 acres in a single irrigation season.

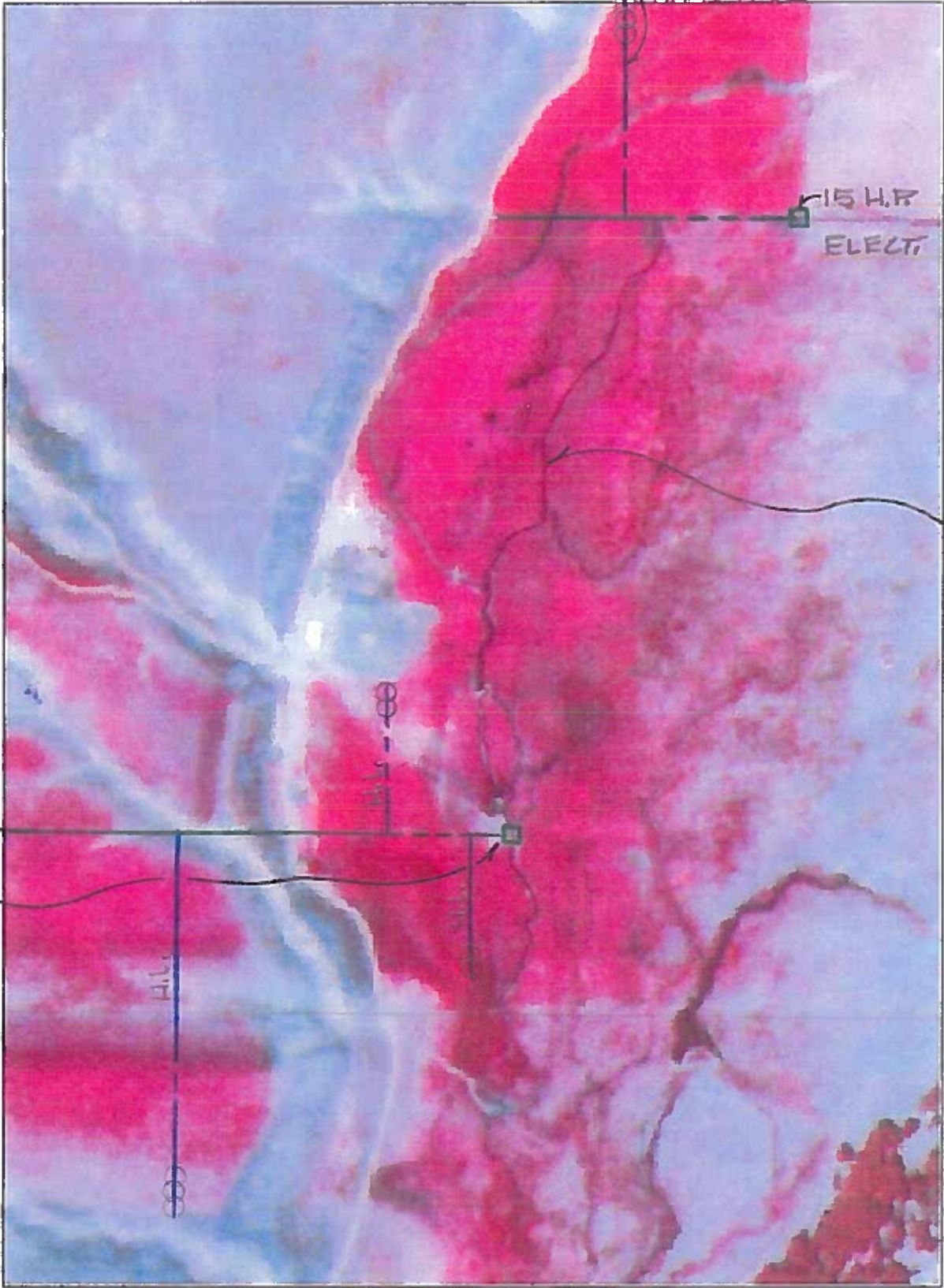
Right Nos. 37- 51, 37-663 and 37-1231 are limited to the irrigation of a combined total of 265.7 acres in a single irrigation season.

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.

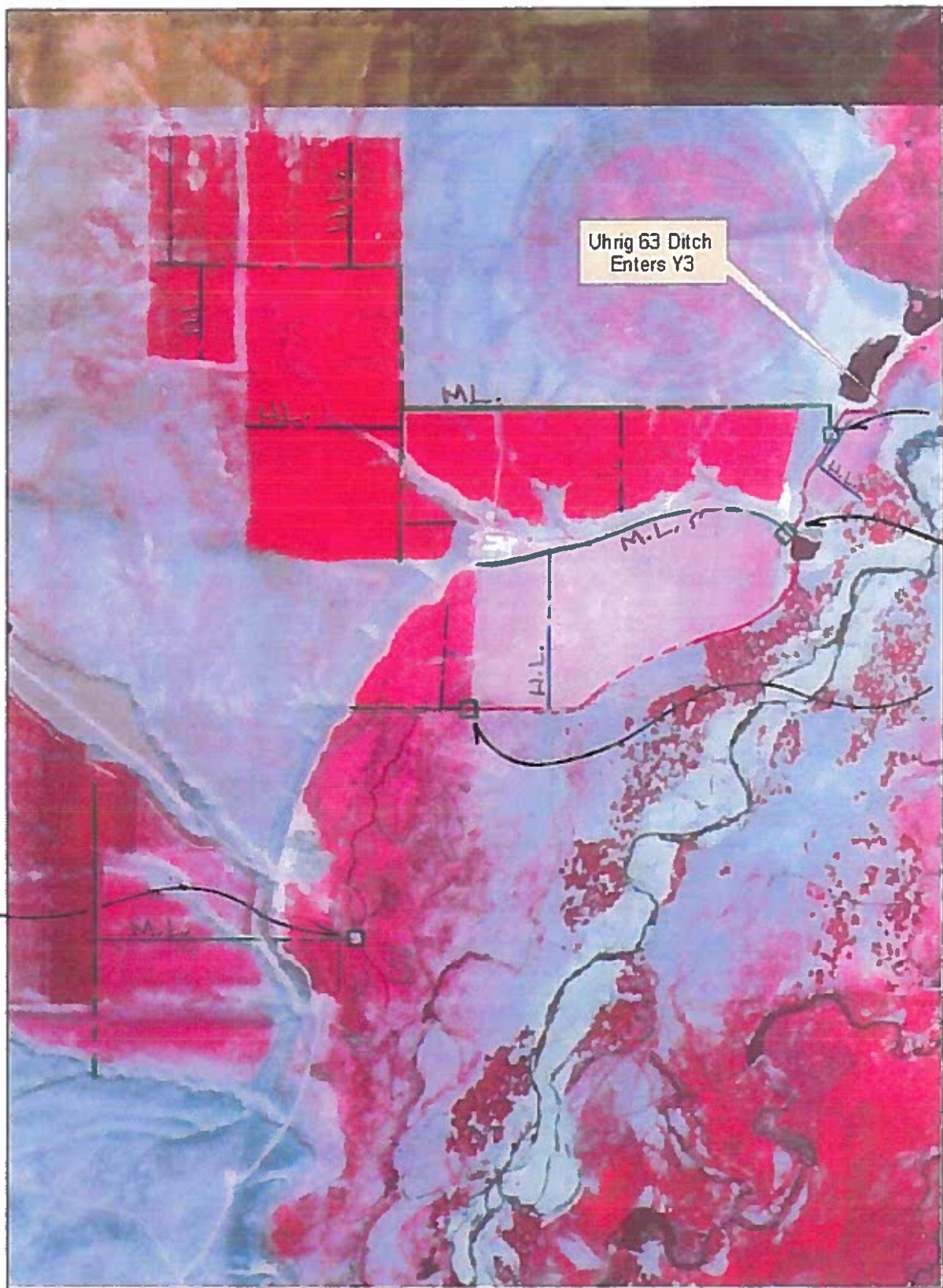
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right No. 37-22329 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.



ELECT. PUMP = 0 Y 3 Ranch, South End
MAIN LINE = M.L. ----- 1987 Image
HAND LINE = H.L. -----

D. Jones
3/29/2010



100 H.P.
ELECT.

Uhrig 63 Ditch
Enters Y3

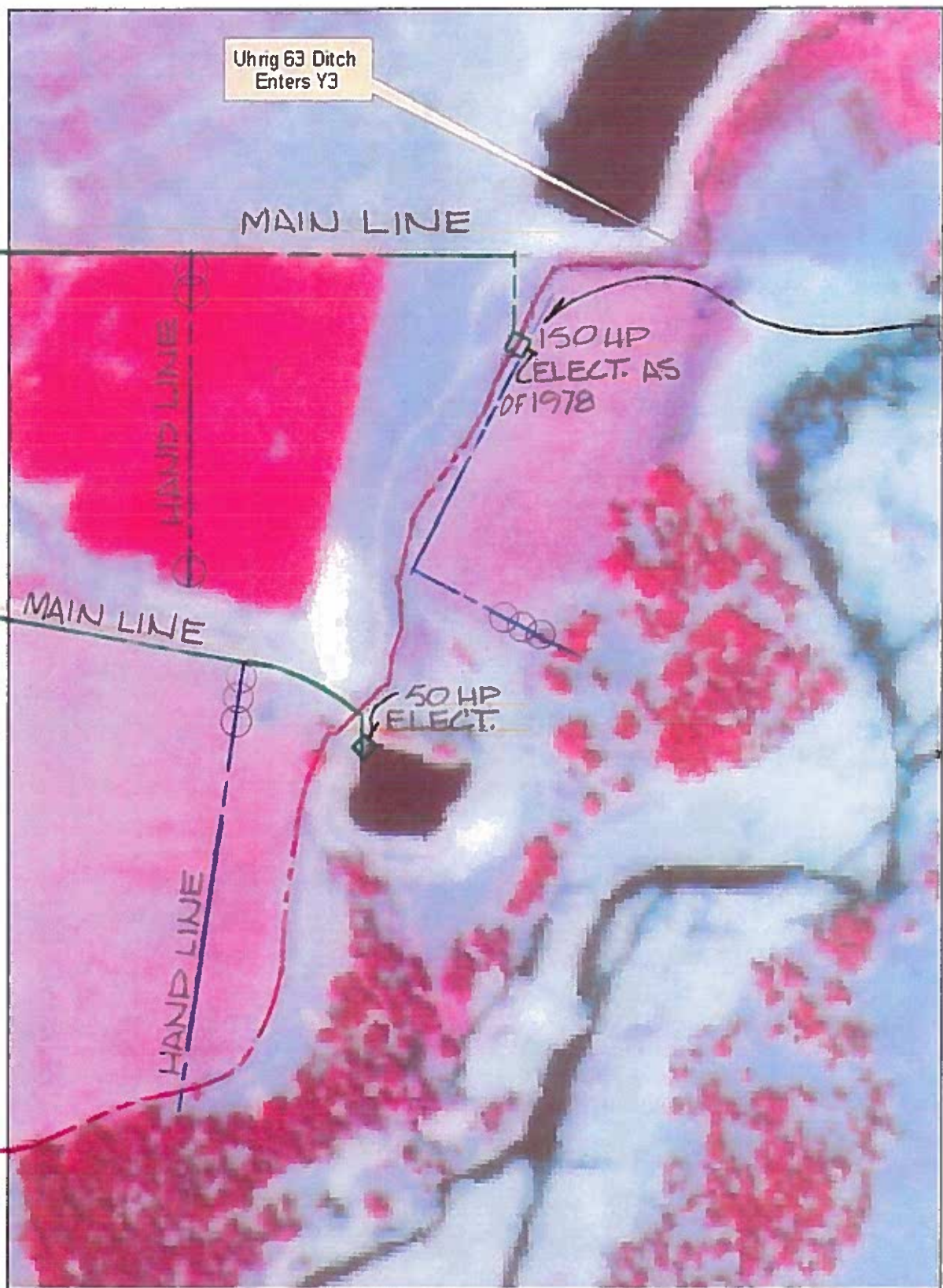
150 H.P.
ELECT.

50 H.P.
ELECT.

15 H.P.
ELECT.

ELECT. PUMP = □ Y 3 Ranch
 MAIN LINE = M.L. --- 1987 Image
 HANDLINE = H.L. ---

D. Jones
 3/29/2010



ELECT. PUMP = ☐ Y 3 Ranch, North End
 MAIN LINE = M.L. ——— 1987 Image
 HAND LINE = H.L. - - - - -

D. Jones
 3/29/2010

Jones, Doug

From: Michael P. Lawrence [mpl@givenspursley.com]
Sent: Friday, April 30, 2010 1:47 PM
To: Bromley, Chris
Cc: Kelly, Vicki; Jones, Doug
Subject: RE: Y-3 [IWOV-GPDMS.FID344212]
Attachments: Y3 Ranch, South End - 1987 Image.PDF; Y3 Ranch, North End - 1987 Image.PDF; Y3 Ranch - 1987 Image.PDF

Chris,

Sorry for the delay getting back to you.

The marked-up maps you requested are attached. The answers to Doug's questions are as follows (in underline):

1) where's the diesel pump located? See attached map designated "Y 3 Ranch, North End – 1987 Image."

2) where's the electric pump located? See attached map designated "Y 3 Ranch, North End – 1987 Image."

3) when was the pump at the south end (SESE Sec 9) installed to irrigate the S 1/2 of Sec 9 (was this the diesel pump location)? No, this was not the diesel pump location – see answer to question #1 for the prior location of the diesel pump. In 1977 an electric 100 hp turbine pump was installed at this location. It was first used during the 1978 irrigation season.

Please let me know if you need anything else.

Thanks,
Mike

Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St.
P.O. Box 2720
Boise, Idaho 83702
phone: (208) 388-1200
fax: (208) 388-1300
website: www.givenspursley.com

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From: Bromley, Chris [mailto:Chris.Bromley@idwr.idaho.gov]
Sent: Monday, March 29, 2010 3:50 PM
To: Michael P. Lawrence
Cc: Kelly, Vicki; Jones, Doug
Subject: FW: Y-3 [IWOV-GPDMS.FID344212]

Mike,

Attached are 3 maps from Doug. Could you please work with your clients to sketch the distribution system (pipelines and PODs) as of 1987 for ground water and surface water.

Doug also has three questions that the maps may help you answer: 1) where's the diesel pump located; 2) where's the electric pump located; 3) when was the pump at the south end (SESE Sec 9) installed to irrigate the S 1/2 of Sec 9 (was this the diesel pump location)?

Thanks,

Chris

AFFIDAVIT OF MARIO REGALADO

STATE OF IDAHO)
)ss.
County of Ada)

MARIO REGALADO, being first duly sworn upon oath and upon his personal knowledge, deposes and says:

1. I am 49 years old. I live and work at the Y-3 Ranch in Blaine County, Idaho. The Y-3 Ranch is comprised of several parcels, all of which are located in Blaine County, Idaho. I presently am employed as the on-site ranch manager by the owner of the ranch, the Y-3 Partnership.

2. I have lived at the ranch homestead or main ranch site which is situated alongside the Big Wood River (the "ranch headquarters") since 1981. A legal description of the ranch headquarters is attached hereto and incorporated herein as Exhibit "A". My father worked for the Y-3 Partnership (Sheldon and Ronald Yanke and their wives) from 1976 until 1991. I have worked at the ranch since 1977. I am familiar with the irrigation practices at the ranch as they have changed over time.

3. When I started working at the Y-3 Ranch in 1977, the Y-3 Partnership was using a diesel powered pump to pump irrigation water out of the delivery ditch supplied by the Uhrig 63 Diversion on the Big Wood River to provide surface water irrigation at the ranch headquarters. The diesel powered pump did not move enough water to include the watering of the NENE of Section 9 and SE of Section 4.

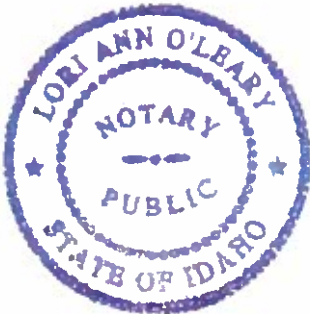
4. In 1977, the Y-3 Partnership installed a 150 horsepower electric pump so additional property at the ranch headquarters could be irrigated by surface water. Y-3 Ranch began using the 150 horsepower electric pump in the irrigation season of 1978. As a result, the lands in the NENE of Section 9 and the SE of Section 4 were brought under irrigation

exclusively with surface water pumped from the delivery ditch supplied by the Uhrig 63 diversion on the Big Wood River.

DATED this 18 day of March, 2010.


MARIO REGALADO

SUBSCRIBED AND SWORN to before me this 18th day of March, 2010.



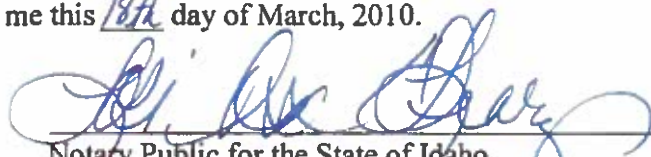

Notary Public for the State of Idaho
Residing at Boise, Idaho
My Commission Expires: 7/12/2013

Exhibit "A"

THE FOLLOWING LANDS LOCATED IN TOWNSHIP 1 SOUTH, RANGE 18 EAST,
BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

Section 4: Lots 3 and 4, SW1/4, SE1/4
Section 5: N1/2SE1/4, SE1/4SE1/4, Lot 2
Section 9: All
Section 10: N1/2

[END OF TEXT]

Jones, Doug

From: Bromley, Chris
Sent: Friday, March 26, 2010 7:49 AM
To: Jones, Doug
Cc: Kelly, Vicki
Subject: FW: Y-3 [IWOV-GPDMS.FID344212]
Attachments: Affidavit of Mario Regalado 3-18-10.PDF

Doug,

Attached is an affidavit from Mike Lawrence re: Y3. Let me know if you need anything else.

Chris

From: Michael P. Lawrence [mailto:mpl@givenspursley.com]
Sent: Thursday, March 25, 2010 4:54 PM
To: Bromley, Chris
Cc: 'Kit Clark'
Subject: Y-3 [IWOV-GPDMS.FID344212]

Chris,

Attached is a copy of an affidavit by Y-3's ranch manager Mario Regalado confirming that the lands at Y-3 Ranch in NENE Sec. 9 and SE Sec. 4 were brought under irrigation with surface water. I believe this is the proof Doug Jones needed so he could conclude that these lands were not irrigated by enlarging Y-3's ground water rights.

Please let me know what else IDWR might need to resolve the Y-3 claims as I suggested to you in my 1/27/10 email and at our 2/11/10 meeting.

Thanks,
Mike

Michael P. Lawrence
Givens Pursley LLP
601 W. Bannock St.
P.O. Box 2720
Boise, Idaho 83702
phone: (208) 388-1294
fax: (208) 388-1300
website: www.givenspursley.com

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Jones, Doug

From: Bromley, Chris
Sent: Wednesday, January 27, 2010 10:21 AM
To: Jones, Doug
Cc: Kelly, Vicki
Subject: FW: Y-3 [IWOV-GPDMS.FID344212]
Attachments: Y-3 combo limits.XLS~~α~~.XLS; 37-7113A Proposed.PDF~~α~~.PDF; 37-1231 Proposed.PDF~~α~~.PDF; 37-663 Proposed.PDF~~α~~.PDF; 37-51 Proposed.PDF~~α~~.PDF; 37-22329 Proposed.PDF~~α~~.PDF; Y-3 2009 irrigation aerial photo.PDF~~α~~.PDF

Here's what Mike has prepared for Y3.

From: Michael P. Lawrence [mailto:mpl@givenspursley.com]
Sent: Wednesday, January 27, 2010 9:28 AM
To: Bromley, Chris
Cc: 'Kit Clark'
Subject: Y-3 [IWOV-GPDMS.FID344212]

Chris,

Attached are the documents I mentioned to you on the phone yesterday:

Doc 1. A spreadsheet summarizing combined use limits for Y-3's water rights.

Docs 2-6. Drafts of proposed amendments to the Director's Reports for Y-3's water rights. (37-7838A is not included because proof of b.u. for that right was filed after 1987 and no SRBA claim was filed.)

Doc 7. A copy of an aerial image Y-3 provided to IDWR in 2009 to show acres irrigated in 2009 and 4 acres dried up in Sec. 10 as required by a 1997 transfer (shown in red). This analysis by SPF is where we get the place of use acreages per quarter-quarter in the draft amended Director's Reports.

I have not addressed any potential changes to locations of points of diversions in these documents. We are confident that any point of diversion details can be straightened out, but I thought I would wait to address them since I understand Doug has raised some issues in that regard.

Thanks for taking a look at this. I think the proposed places of use in the draft amended Director's Reports and the combined use limits make sense for these rights.

Feel free to call with any questions.

Mike

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1/27/2010

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1/27/2010

	ind acres	combo	combo	combo	combo
37-51	94.7	} 171	} 265.7	} 379.2	} 455.4
37-663					
37-1231					
37-22329	113.5				
37-7113A		} 76.2			
37-7838A					

1/20/2010

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

RIGHT NUMBER: 37-51
NAME AND ADDRESS: Y 3 RANCH
PO BOX 5405
BOISE ID 83705-5405
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 2.000 CFS
PRIORITY DATE: 05/15/1891
POINT OF DIVERSION: T01S R18E S2 SWSWNE Lot 2 Within BLAINE County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	2.000 CFS
PLACE OF USE: IRRIGATION in BLAINE County		
T01S R18E S04 SWSE	29.1	T01S R18E S04 SESE 39.30
T01S R18E S04 NWSE	31.7	T01S R18E S04 NESE 34.70
T01S R18E S09 SWSE	35.6	T01S R18E S09 SESE 30.00
T01S R18E S09 NWSE	9.50	T01S R18E S09 NESE 23.00
T01S R18E S09 SWSW	0.40	T01S R18E S09 SESW 40.80
T01S R18E S09 NESW	34.90	T01S R18E S09 SENW 4.30
T01S R18E S09 SENE	4.40	T01S R18E S09 NENE 0.80
T01S R18E S09 NENE	39.30	
T01S R18E S10 SWNW	33.80	
T01S R18E S10 SWNE	10.1	T01S R18E S10 SENW 30.6
T01S R18E S10 NENE	6.70 3.00	T01S R18E S10 NENE 26.0 8.50
T01S R18E S10 NENW	33.0 6.40	T01S R18E S10 NWNW 29.0 5.20
94.7 455.4 ACRES TOTAL		

This right is limited to the irrigation of 94.7 acres within the place of use described above in a single irrigation season.

Right Nos. 37-51, 37-663, and 37-1231 are limited to the irrigation of a combined total of 265.7 acres in a single irrigation season.

Right Nos. 37-51, 37-663, 37-1231, and 37-22329 37-7113A, and 37-7838A are limited to the irrigation of a combined total of 456.4 379.2 acres within the place of use described above in a single irrigation season.

Right Nos. 37-51, 37-663, 37-1231, 37-7113A, and 37-7838A, and 37-22329 are limited to the irrigation of a combined total of 265.9 455.4 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

1/20/2010

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

RIGHT NUMBER: 37-663

NAME AND ADDRESS: Y 3 RANCH
PO BOX 5405
BOISE ID 83705-5405

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 3.600 CFS

PRIORITY DATE: 06/01/1884

POINT OF
DIVERSION: T01S R18E S2 SWSWNE Lot 2 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	3.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

<u>T01S R18E S04</u>	<u>SWSE</u>	<u>29.1</u>	<u>T01S R18E S04</u>	<u>SESE</u>	<u>39.30</u>
<u>T01S R18E S04</u>	<u>NWSE</u>	<u>31.7</u>	<u>T01S R18E S04</u>	<u>NESE</u>	<u>34.70</u>
<u>T01S R18E S09</u>	<u>SWSE</u>	<u>35.0</u>	<u>T01S R18E S09</u>	<u>SESE</u>	<u>31.00</u>
<u>T01S R18E S09</u>	<u>NWSE</u>	<u>9.50</u>	<u>T01S R18E S09</u>	<u>NESE</u>	<u>22.00</u>
<u>T01S R18E S09</u>	<u>SWSW</u>	<u>0.40</u>	<u>T01S R18E S09</u>	<u>SESW</u>	<u>40.80</u>
<u>T01S R18E S09</u>	<u>NESW</u>	<u>34.90</u>	<u>T01S R18E S09</u>	<u>SENW</u>	<u>4.30</u>
<u>T01S R18E S09</u>	<u>SENE</u>	<u>3.80</u>	<u>T01S R18E S09</u>	<u>NWNE</u>	<u>0.80</u>
<u>T01S R18E S09</u>	<u>NENE</u>	<u>39.30</u>			
<u>T01S R18E S10</u>	<u>SWNW</u>	<u>35.00</u>			
<u>T01S R18E S10</u>	<u>SWNE</u>	<u>10.1</u>	<u>T01S R18E S10</u>	<u>SENW</u>	<u>33.00</u>
<u>T01S R18E S10</u>	<u>NENE</u>	<u>6.70</u>	<u>T01S R18E S10</u>	<u>NWNE</u>	<u>26.0</u>
<u>T01S R18E S10</u>	<u>NENW</u>	<u>33.0</u>	<u>T01S R18E S10</u>	<u>NWNW</u>	<u>29.0</u>

~~169.8~~ 455.4 ACRES TOTAL

Right Nos. 37-663 and 37-1231 are limited to the irrigation of a combined total of ~~169.8~~ 171 acres within the place of use described above in a single irrigation season.

Right Nos. 37-51, 37-663, and 37-1231 are limited to the irrigation of a combined total of 265.7 acres within the place of use described above in a single irrigation season.

Right Nos. 37-51, 37-663, 37-1231, and 37-22329 ~~37-7113A, and 37-7838A~~ are limited to the irrigation of a combined total of ~~185.7~~ 379.2 acres within the place of use described above in a single irrigation season.

Right Nos. 37-51, 37-663, 37-1231, 37-7113A, ~~and 37-7838A~~, and 37-22329 are limited to the irrigation of a combined total of ~~265.9~~ 455.4 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

1/20/2010

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

RIGHT NUMBER: 37-1231

NAME AND ADDRESS: Y 3 RANCH
PO BOX 5405
BOISE ID 83705-5405

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 5.600 CFS

This right is limited to 2.0 cfs when right 37-663 is being delivered, once right 37-663 is curtailed, this right is limited to 5.6 cfs.

PRIORITY DATE: 05/01/1910

POINT OF
DIVERSION:

T01S R18E S10 NWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	5.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R18E S04	SWSE	29.1	T01S R18E S04	SESE	39.30
T01S R18E S04	NWSE	31.7	T01S R18E S04	NESE	34.70
T01S R18E S09	SWSE	35.0	T01S R18E S09	SESE	31.00
T01S R18E S09	NWSE	9.50	T01S R18E S09	NESE	22.00
T01S R18E S09	SWSW	0.40	T01S R18E S09	SESW	40.80
T01S R18E S09	NESW	34.90	T01S R18E S09	SENW	4.30
T01S R18E S09	SENE	3.00	T01S R18E S09	NWNE	0.80
T01S R18E S09	NENE	39.30			
T01S R18E S10	SWNW	35.00	T01S R18E S10	SENW	33.00
T01S R18E S10	SWNE	10.00	T01S R18E S10	SENE	30.6
T01S R18E S10	NENE	6.70	T01S R18E S10	NWNE	26.0
T01S R18E S10	NENW	23.0	T01S R18E S10	NWNW	29.0

~~169.8~~ 455.4 ACRES TOTAL

Right Nos. 37-663 and 37-1231 are limited to the irrigation of a combined total of ~~169.8~~ 171 acres within the place of use described above in a single irrigation season.

Right Nos. 37-51, 37-663, and 37-1231 are limited to the irrigation of a combined total of 265.7 acres within the place of use described above in a single irrigation season.

Right Nos. 37-51, 37-663, 37-1231, and 37-22329 ~~37-7113A~~, and ~~37-7838A~~ are limited to the irrigation of a combined total of ~~485.7~~ 379.2 acres within the place of use described above in a single irrigation season.

Right Nos. 37-51, 37-663, 37-1231, 37-7113A, ~~and 37-7838A~~, and 37-22329 are limited to the irrigation of a combined total of ~~265.9~~ 455.4 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

The point of diversion described above corresponds to the location on the Uhrig 63 delivery ditch as it enters the place of use for this right.

1/20/2010

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

RIGHT NUMBER: 37-7113A

NAME AND ADDRESS: Y 3 RANCH
PO BOX 5405
BOISE ID 83705-5405

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.040 CFS
266.00 AFY

Rights 37-7113A and 37-7838A when combined shall not exceed a total diversion rate of 1.52 cfs nor a total annual maximum diversion volume of 266.7 af.

PRIORITY DATE: 09/29/1971

POINT OF
DIVERSION:

T01S R18E S10 NWNE Within BLAINE County
T01S R18E S10 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	1.040 CFS 266.00 AFY

This use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in BLAINE County

<u>T01S R18E S04</u>	<u>SWSE</u>	<u>29.1</u>	<u>T01S R18E S04</u>	<u>SESE</u>	<u>39.30</u>	
<u>T01S R18E S04</u>	<u>NWSE</u>	<u>31.7</u>	<u>T01S R18E S04</u>	<u>NESE</u>	<u>34.70</u>	
<u>T01S R18E S09</u>	<u>SWSE</u>	<u>35.6</u>	<u>T01S R18E S09</u>	<u>SESE</u>	<u>30.00</u>	
<u>T01S R18E S09</u>	<u>NWSE</u>	<u>9.50</u>	<u>T01S R18E S09</u>	<u>NESE</u>	<u>23.00</u>	
<u>T01S R18E S09</u>	<u>SWSW</u>	<u>0.40</u>	<u>T01S R18E S09</u>	<u>SESW</u>	<u>40.80</u>	
<u>T01S R18E S09</u>	<u>NESW</u>	<u>34.90</u>	<u>T01S R18E S09</u>	<u>SENW</u>	<u>4.30</u>	
<u>T01S R18E S09</u>	<u>SENE</u>	<u>4.40</u>	<u>T01S R18E S09</u>	<u>NWNE</u>	<u>0.80</u>	
<u>T01S R18E S09</u>	<u>NENE</u>	<u>39.30</u>				
<u>T01S R18E S10</u>	<u>SWNW</u>	<u>21.00</u>	<u>33.80</u>			
<u>T01S R18E S10</u>	<u>SWNE</u>	<u>6.30</u>	<u>10.1</u>	<u>T01S R18E S10</u>	<u>SENW</u>	<u>33.00</u>
<u>T01S R18E S10</u>	<u>NENE</u>	<u>6.70</u>	<u>3.00</u>	<u>T01S R18E S10</u>	<u>NWNE</u>	<u>6.60</u>
<u>T01S R18E S10</u>	<u>NENW</u>	<u>7.30</u>	<u>6.40</u>	<u>T01S R18E S10</u>	<u>NWNW</u>	<u>0.6</u>
<u>T01S R18E S10</u>	<u>NESW</u>	<u>0.90</u>	<u>T01S R18E S10</u>	<u>NWSW</u>	<u>0.50</u>	
		<u>76.2</u>	<u>455.4</u>			

76.2 455.4 ACRES TOTAL

~~Right Nos. 37-663, 37-1231, 37-7113A, and 37-7838A are limited to the irrigation of a combined total of 185.7 acres in a single irrigation season.~~

~~Right Nos. 37-51, 37-7113A, and 37-7838A are limited to the irrigation of a combined total of 156.4 acres in a single irrigation season.~~

This right is limited to the irrigation of 76.0 acres within the place of use described above in a single irrigation season.

Right Nos. 37-7113A and 37-7838A are limited to the irrigation of a combined total of 76.2 acres within the place of use described above in a single irrigation season.

Right Nos. 37-51, 37-663, 37-1231, 37-7113A, ~~and 37-7838A~~, and ~~37-22329~~ are limited to the irrigation of a combined total of ~~265.9~~ 455.4 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 - License

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

1/20/2010

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

RIGHT NUMBER: 37-22329
NAME AND ADDRESS: Y 3 RANCH
PO BOX 5405
BOISE ID 83705-5405
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 2.270 CFS
PRIORITY DATE: 04/01/1976
POINT OF DIVERSION: T01S R18E S2 SWSWNE Lot 2 Within BLAINE County
PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	2.350 CFS
PLACE OF USE:	IRRIGATION in BLAINE County		
	T01S R18E S04 SWSE	29.1	T01S R18E S04 SESE 39.30
	T01S R18E S04 NWSE	31.7	T01S R18E S04 NESE 34.70
	T01S R18E S09 SWSE	35.6	T01S R18E S09 SESE 30.00
	T01S R18E S09 NWSE	9.50	T01S R18E S09 NESE 23.00
	T01S R18E S09 SWSW	0.40	T01S R18E S09 SESW 40.80
	T01S R18E S09 NESW	34.90	T01S R18E S09 SENW 4.30
	T01S R18E S09 SENE	4.40	T01S R18E S09 NWNE 0.80
	T01S R18E S09 NENE	39.30	
	T01S R18E S10 SWNW	33.80	
	T01S R18E S10 SWNE	10.1	T01S R18E S10 SENW 30.6
	T01S R18E S10 NENE	3.00	T01S R18E S10 NWNE 8.50
	T01S R18E S10 NENW	6.40	T01S R18E S10 NWNW 5.20

455.4 ACRES TOTAL

This right is an enlargement of Right Nos. 37-51, 37-663, and 37-1231 pursuant to Section 42-1426, Idaho Code.

This right is limited to the irrigation of 113.5 acres within the place of use described above in a single irrigation season.

Right Nos. 37-51, 37-663, and 37-1231 are limited to a total combined diversion rate of 7.60 cfs.

Right Nos. 37-51, 37-663, 37-1231, 37-7113A, 37-7838A, and 37-22329 are limited to the irrigation of a combined total of 455.4 acres in a single irrigation season.

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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 - beneficial use

MEMORANDUM

TO: Y 3 Claim Files
FROM: Douglas Jones
DATE: 9/29/2009
RE: Review of 37-22329 and system

Status of Recommendations:

- 37-51: 1891, 2.0 cfs, 94.7 ac. Y 3 objection to POU, no respondents.
Claim historically diverted from the Uhrig 63 headgate as recommended.
- 37-663: 1884, 3.6 cfs, 169.8 ac. Y 3 objection to POU, no respondents.
Claim historically diverted from the Uhrig 63 headgate as recommended.
- 37-1231: 1910, 5.6 cfs, 169.8 ac. Y 3 objection to POU, no respondents.
Developed water right (gaining ditch) from private decree. .
- 37-22329: Claimed 1976 enlargement of 120 ac on SW rights – DISALLOWED. Y 3 objection, no respondents.
No lawful appropriation shown: priority date, system questions.

7/2009 Field Exam Observations:

Mark Yankee & Mario (?) of Y3, Kevin Lakey WM of 37M and myself met at farmstead of ranch and proceeded to NE corner area of property (Pt A on attached map). We observed the pond and GW pump. There was no inflow to pond from a surface diversion although there was standing water in the pond and the pump was operating and delivering to many sprinkler heads (not counted). From there we observed a power pole and pump setup north and east of the pond (Pt B) and we proceeded to there.

We found a several foot diameter pipe installed on-end with slots cut in the sides that were flowing water into the pipe and supplying the pump intake. The structure is within yards of a levee built to manage the Big Wood River and therefore is in close proximity to the river (GW or SW?). The pump was said to be delivering water to the pivot installed in the SE ¼ Sec 4 and other nearby irrigated upper-bench lands in the northwest area of the ranch. Mr. Yankee did not know when this was installed, only that no major changes have been made in at least several years. This diversion location has not been claimed, nor is it part of any known water right. IDWR and the water master had no prior knowledge that this diversion existed.

Our next stop was the point where the Uhrig 63 ditch entered the property from the north (Pt C), historically the delivery method of 37-51, -663 & -1231. A small flow of water was entering the property and continued in a ditch along the northern edge of a small field toward the previously mentioned pond and then along the east and south edge of the GW-irrigated field to the E-W trending property line (south boundary of the N1/2 Sec 10) adjoining Sun Valley Ranch land. The amount of water in this ditch was far less than what was available to fill the surface water

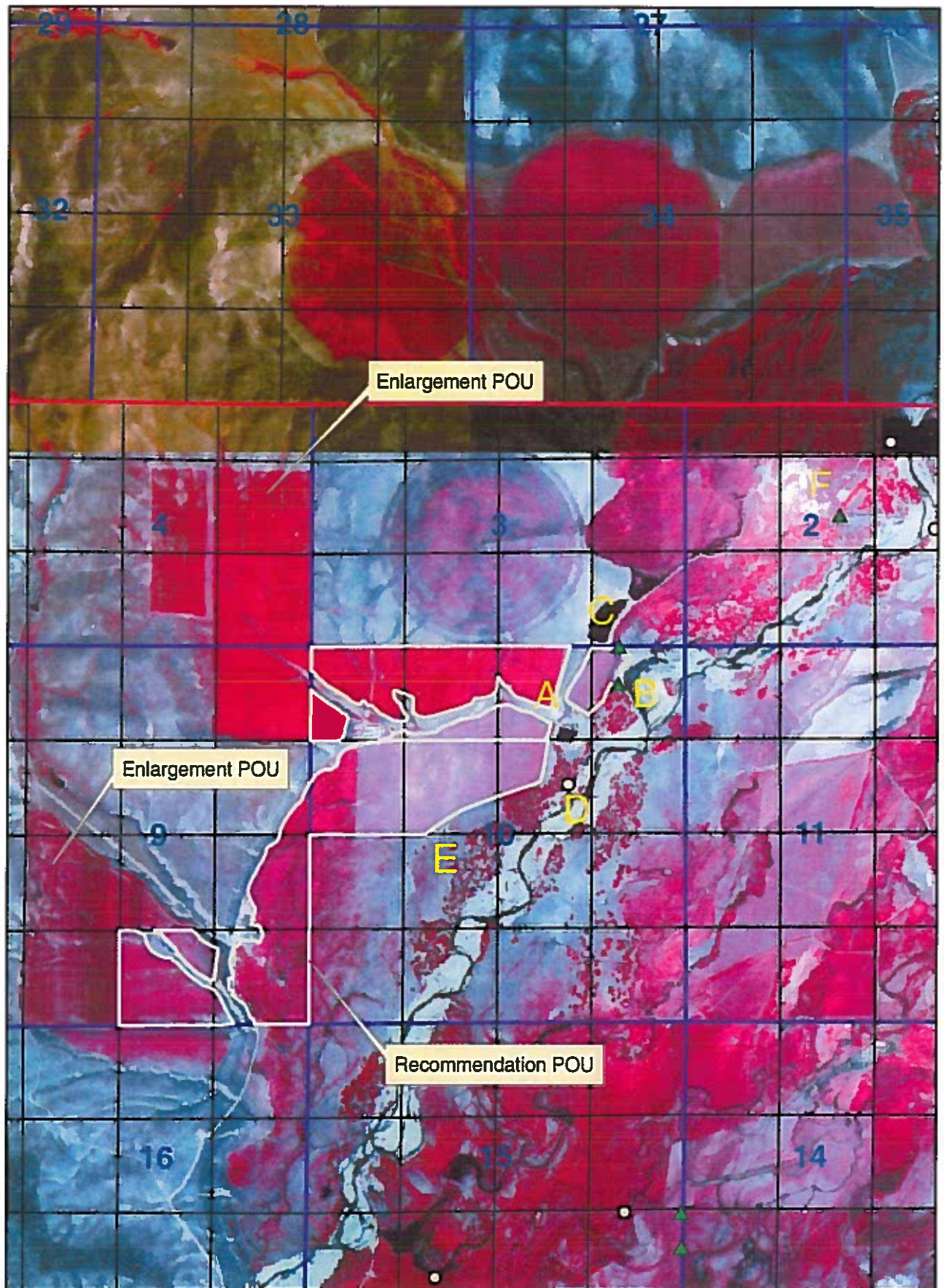
rights 37-51 and 37-663. The water master and I were informed that the SW rights were switched to the Flood 64 ditch a couple of years ago. This was news to both of us, is contrary to what is recorded for the rights and recommendations, and is not supported by a pending administrative process (transfer). The Flood 64 ditch is recorded to deliver rights to Sun Valley Ranch (SVR) lands in the SW ¼ Sec 10.

We proceeded to the Flood 64 headgate (Pt D) and followed the water to the property line (Pt E). Quite a bit of water was being sent down the ditch but there was no measuring device to determine how much. At the property line it was evident that no water was being sent out to the SVR lands and that all the water was in the ditch that trended westward along the property line and then generally south and west to a pump station in the SESE Sec 9. This pump delivers water to the upper-bench lands in Sec 9, in the southwest area of the ranch.

Finally, we proceeded to the Uhrig 63 control structure (Pt F) to observe the status, and GPS the location, of the diversion and conveyance ditch. In addition, the area between the Y 3 property line and Uhrig 63 is important in relation to right 37-1231.

Conclusions:

- 1) Diversions from 3 points of diversion were occurring at the time of the field exam: Point A, B & D. Measurement of diverted flow at Points B & D was not possible. 42-1426 specifies that enlargement is not valid if additional flow rate is developed.
- 2) If the pump at Pt B was installed in the 1970's then there was an increase in diversion rate and enlargement is not appropriate -- regardless of whether the source at Pt B is ground water or surface water. Disallowal of 37-22329 is unchanged.
- 3) I can affirmatively recommend the previously existing surface water rights as a permissible place of use to include "enlarged" areas, even with the claim 37-22329 disallowed.
- 4) Priority date of an enlargement is subordinated to 1994, therefore the extra acres are only able to be irrigated until the water master comes on call each year and then would be curtailed.
- 5) Information on the installation, electric service records and flow rate (discharge) for the pump at Pt B is needed. Flow rate (discharge) and electric service information for the same time period as Pt B for the pump in the SESE Sec 9 is needed to evaluate historic and current diversion rate.
- 6) The point of diversion at Pt B needs to be recorded onto the rights/claims as appropriate -- either by amending claims if installed before 1987 or by transfer if after 1987.
- 7) Big Wood River rights need to be transferred to appropriate POD(s).
- 8) Places of Use for Surface water rights need to be transferred. To represent current or planned irrigation practices.



37-22329
Disallowal Reevaluation

D.Jones
9/29/2009

MEMORANDUM

TO: SRBA Claim Files 37-51, 37-663, 37-1231 & 37-7113
CC: Tim Luke, Jeff Cooper, Allen Merritt
FROM: Doug Jones
DATE: 9/8/2008
RE: Y 3 Ranch Claim Review of Acres

The following discussion summarizes the acreage development of the Y 3 Ranch system over time, the effect of the recent amended claims and the status of the recommendation review.

Chronology:

The earliest imagery IDWR has dates from 9/3/1964. Attachment 1 shows the recommended place of use (~265 ac) overlain on the image. The upland areas do not appear to be irrigated, but do show land use patterns different than the "wild land" outside the POU shape.

In 1971 Yanke filed application for permit 37-7113 for ground water for use on 320 acres in S9 & S10. No mention of SW referenced in app.

In 1974, Attachment 2, the same lowland area appears irrigated as in 1964.

Licensing Exam on 37-7113 completed in 1980 with only lowland areas described as developed and licensed totaling 80 acres in S10.

Also in 1980 application for permit 37-7838 was filed for ground water for use on the same lands as originally proposed in 37-7113 (320 ac). Proof was filed in 1991, so this right is not subject to SRBA.

By 1987, Attachment 3, irrigation of upland areas in S9, S10 and S16 was occurring. Total area of irrigation in 1987 is 546.5 acres.

In 1988 Yanke filed SRBA claims for the surface water (SW) and ground water (GW) license 37-7113 describing the land distributions as recommended, but with differing number of acres per QQ and more total acres.

Attachment 4 shows the land use patterns in the 1992 DOQQ image. They are the same as in 1987.

Permit 37-7838 was examined and then licensed in 1993 for 80.2 acres in combination with 37-7113, limited to diversion rate of 1.6 cfs and 280.7 af. The field examiner indicated that the SW was "not used" on the lands. However, the well was purportedly within a pond with a screen around the casing and rainbirds within the screen to keep debris from accumulating on the screen. No indication was given in the exam how the SW was diverted and used, nor where it was used.

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Y 3 Ranch
Pg 2

A 1996 transfer moved 4 acres of GW from this Ranch to a separate system in S23.

Some time after 1992 there was additional development in S4 as can be seen in some Landsat images and by 2004 there was a pivot in S4 this is the extent of irrigation that has persisted since. Attachment 5 has the 2004 image and the 1987 place of use overlaid on it. Note that the 62 acre field in the N1/2N1/2 S10 is not irrigated.

Attachment 6 is the 2004 POU overlaid on the 2004 image. Excluding the 62 acres in S10 and the little corners in S4 there are a total of 497 irrigated acres.

Effect of Amended Claims:

Presently before the Dept are amended claims for the existing claimed rights. The amendments did not elaborate on the number of acres per QQ, but merely designate QQ with X-es and gave a total number of acres by section. In addition the total acres per section do not match any of the various POUs drafted for the ranch. The logical conclusion is that I will be recommending a Permissible Place of Use for the potentially recommended number of acres (or perhaps a stipulated number of acres) as described below based on the extent of beneficial use in the 1987 imagery. I have not completed the recommendations at this time.

Analysis:

The ambiguous decree and accomplished transfer statutes (42-1427 and 42-1425) appear to have benefitted this claimant immensely. For instance, the upland areas, not irrigated in Att. 1 by surface water, are irrigated by 1987 and therefore are allowable in the SRBA. The accomplished transfer provision appears to have allowed the claimant to move the SW off the 80.2 acres that the GW was licensed on and use those SW acres on other upland areas.

Ground Water Rights. Licenses 37-7113 and 37-7838 were both applied for 320 acres, but proofed and licensed as sole supply for 80 and 80.2 acres, respectively, on the SAME field. Right holders attempted to get a second extension on 37-7113 to drill more wells but were denied and thus at exam time (1980) only 1.09 cfs was developed and this was used on the 80 acres. In 1980, as a result of the denied extension, the right holders applied for 37-7838 to make up water they didn't develop under 37-7113. Swan Falls put a hold on processing this permit and thus proof was ultimately filed in 1991. The developed system involved a dug pond that intercepted GW and then was pumped at a maximum capacity of 1.58 cfs. The examiner for 37-7838 indicated that the pond system was the primary source for irrigating but that the well in the SWNW S10 was used to supplement the NWNE S10 pond when seepage was low. In 1997 T#4977 approved drying up 4 of the 10 acres in SWNE S10, under both GW rights, in order to irrigate a 4 ac tree farm in S23. Unfortunately the 4 acres continued to be irrigated; this irrigation constitutes an illegal diversion.

9/8/2008 Memo
Y 3 Ranch
Pg 3

SRBA should not recognize a whole ranch PPU for the ground water since the GW source was only used on a total of 80.2 acres per direct statements by the right holder.

Surface Water Rights: It is quite evident that irrigation outside of the decreed places of use was established before 1987. My conclusions represent the extent of beneficial use discernible by 1987. Right 37-51 was decreed to lands in the northern end of the present ranch N1/2N1/2 S10. Rights 37-663 and 37-1231 were decreed on lands south of the N1/2N1/2 S10. By 1987 a total of 93.8 acres were irrigated in the N1/2N1/2 S10, and about 170-175 acres for the rest of the decreed place of use. (The latter figure is estimated because there have been various land use changes that have added or subtracted irrigated areas.) Insofar as accomplished transfers removed the SW from where the GW came to be licensed then a grand total recommendable irrigated place of use for SW + GW would be $93.8 + 175 + 76.2 = 345$ acres could be recognized. Of that amount then 268.8 acres are SW irrigated within a PPU of 464 ac – this excludes the 76.2 acres under the GW rights. Attachment 7 shows the two PPUs on the 1987 image, note the two indicated areas (C & D) denoting apparent illegal diversion. Changes to system after 1987 must be made through the transfer process. Review of diversion and distribution works for SW has not been made, but will be incorporated in the overall review of the amended claims.

In the 2004 and 2007 Spot images there are about 62 ac in the SW PPU not irrigated, resulting in about 132 acres irrigated without water rights. In addition there is the 4 acre GW irrigated problem and the 2.2 ac SW irrigated problem on IDL land in NENE S16.

Summary:

Present recommendations total 265 acres of irrigation.

Potentially 345 acres of irrigation could be recognized (SW & GW).

1987 total irrigated place of use is 540 acres for all rights, 464 ac for surface water.

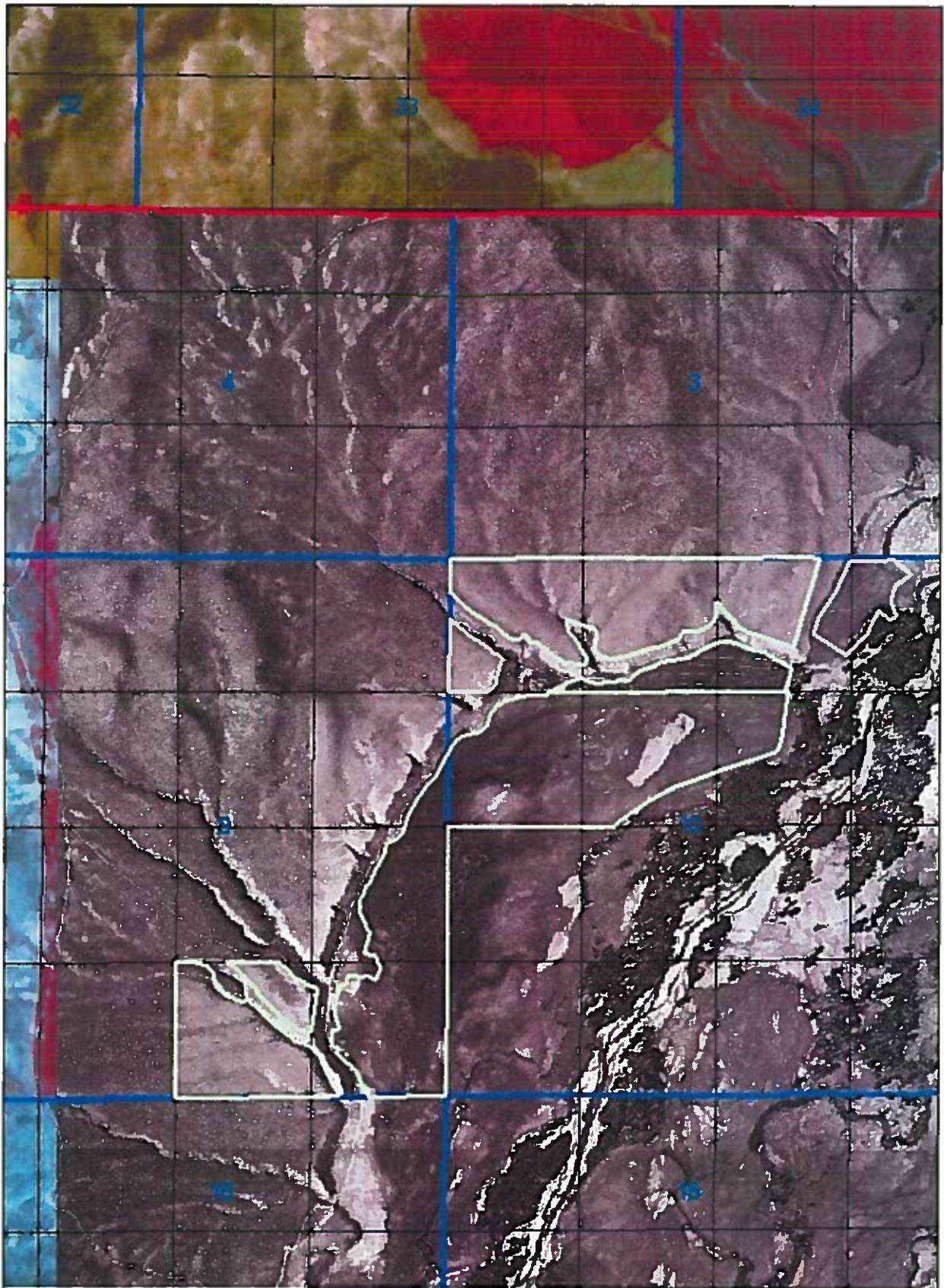
Amended Claim total area is 513 ac (acres per QQ undifferentiated), SRBA would recognize this as the PPU for the 345 acres.

Changes in irrigation practices have occurred since 1987 – transfer needed.

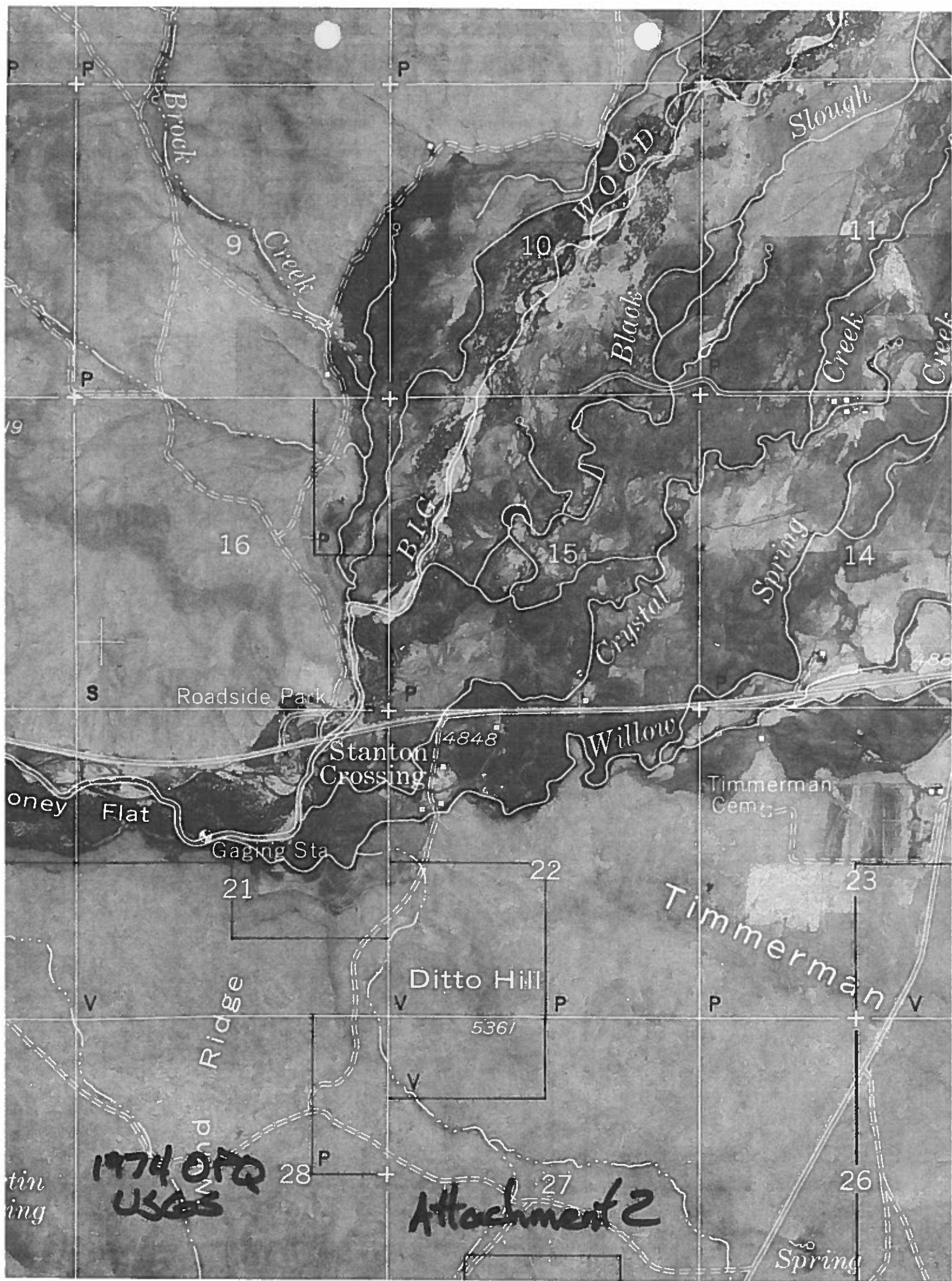
2004 and 2007 Spot images show 65.7 acres not irrigated that were in 1987, and 18.4 of new irrigation that wasn't in 1987 – Net change of 47.3 less acres than were irrigated in 1987.

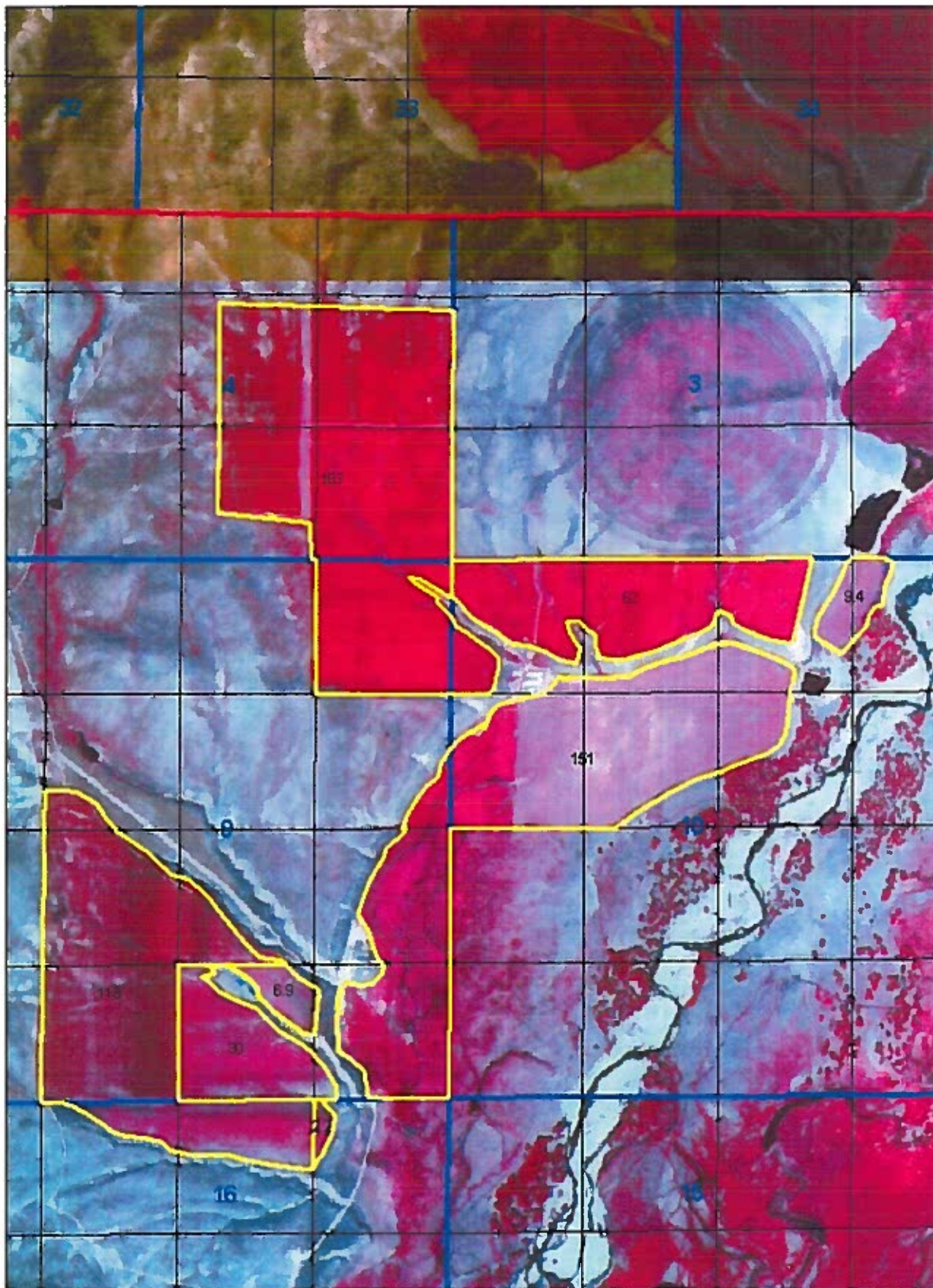
No enlargement claims (pursuant 42-1426) have been filed.

Subsequent review of the systems may affect the final outcome of the recommendations.

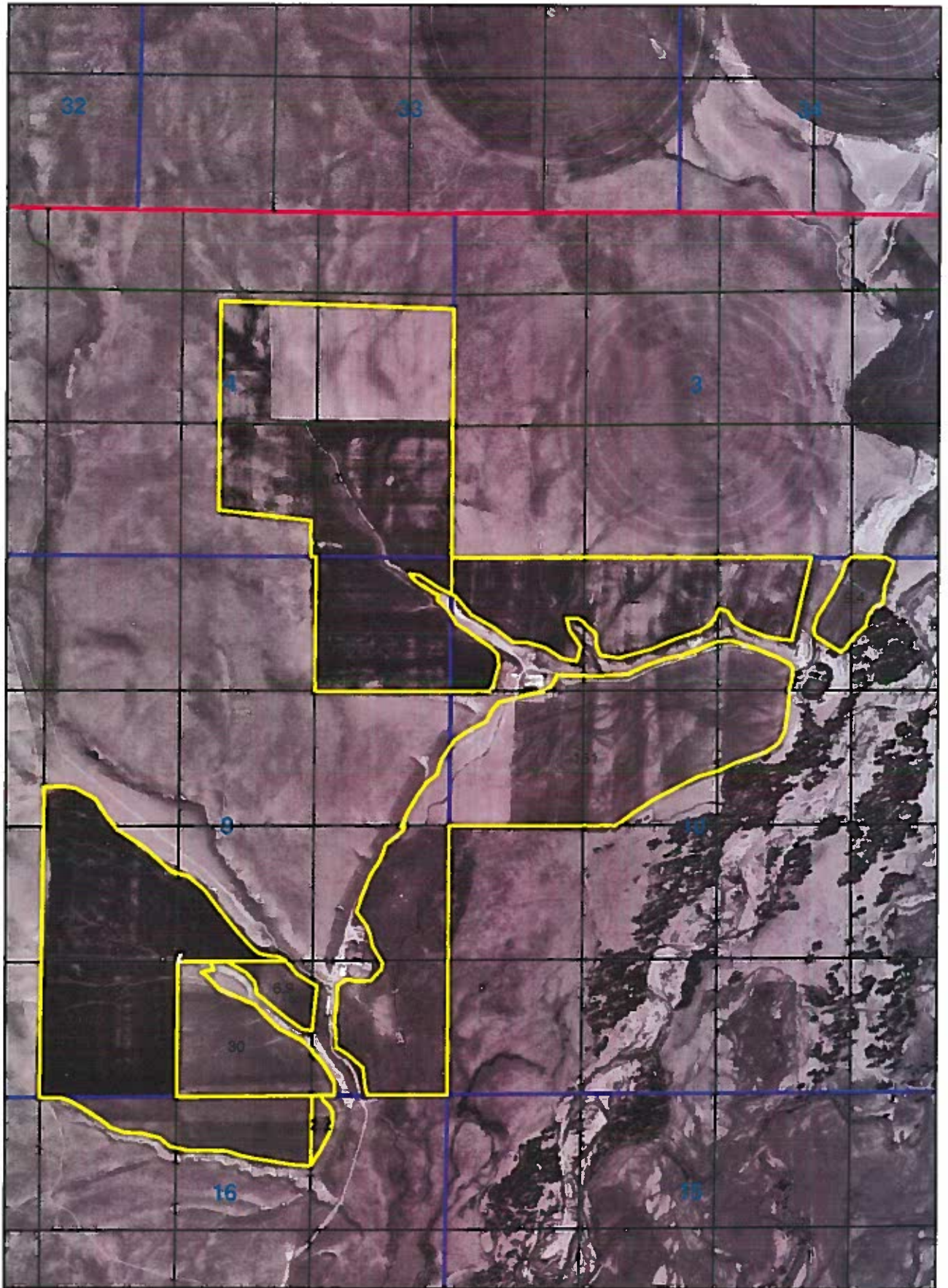


Y 3 Ranch
9/3/1964 Image, Recommendation POU

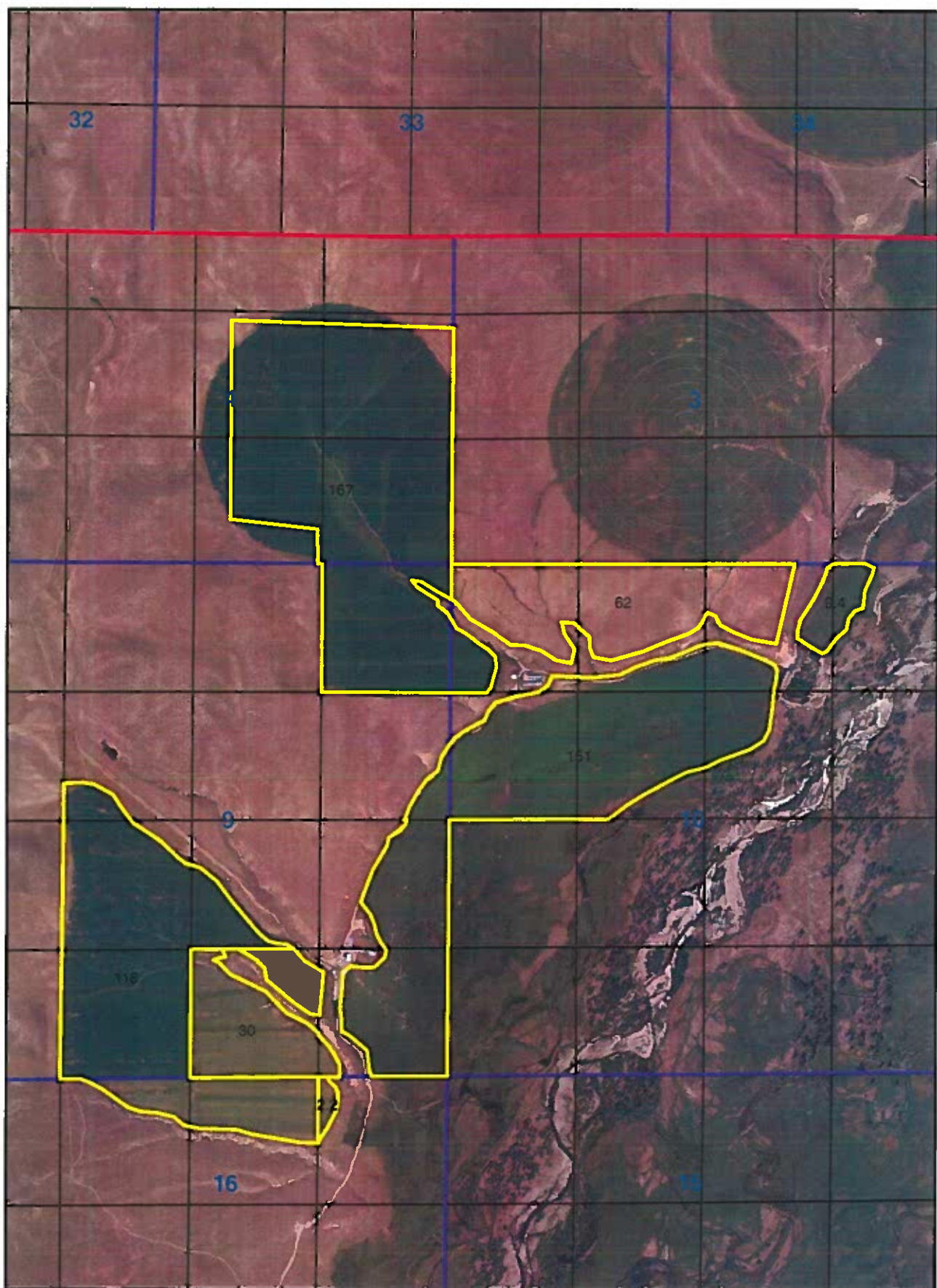




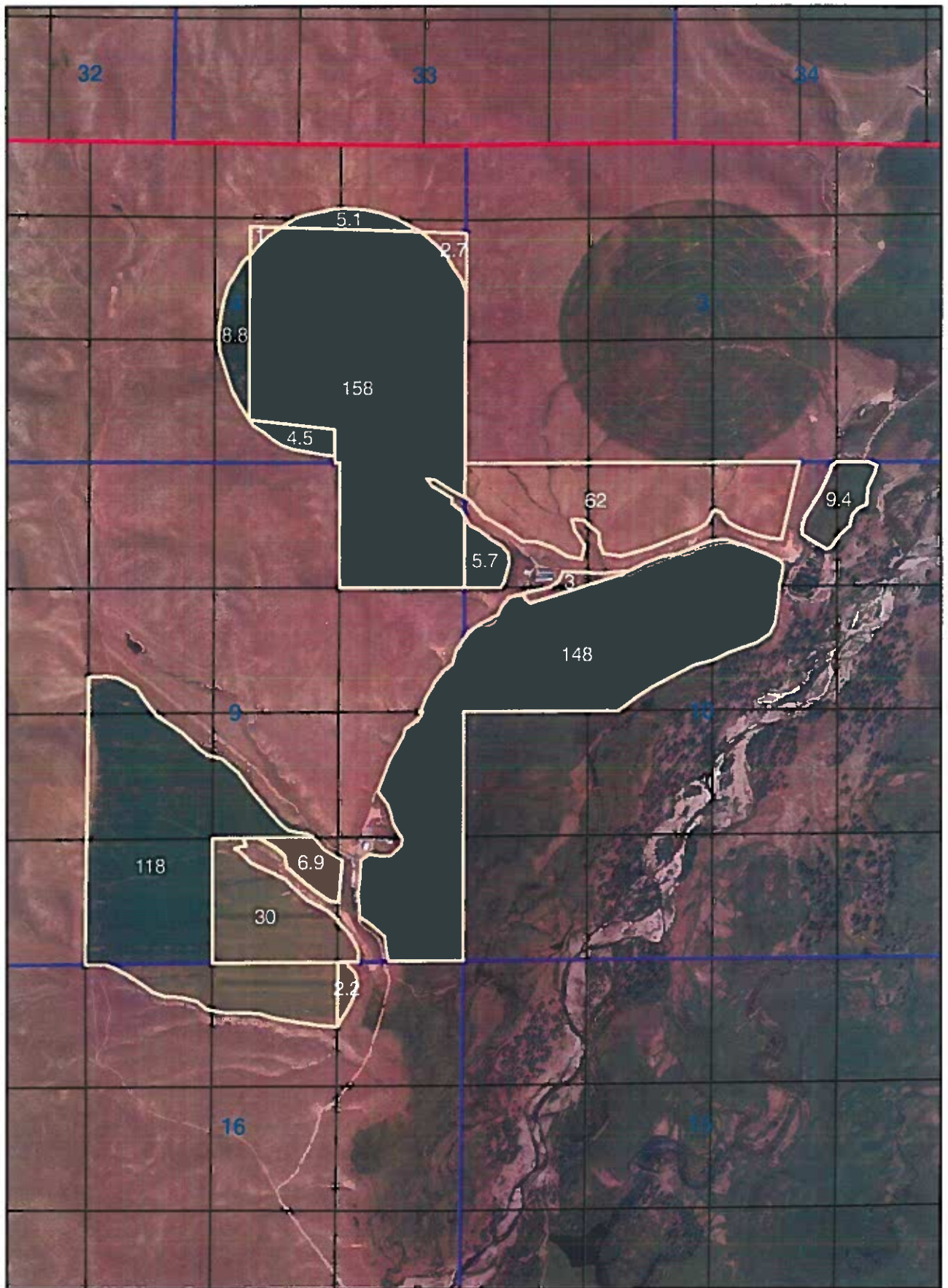
Y 3 Ranch
1987 Image, 1987 POU
Attachment 3



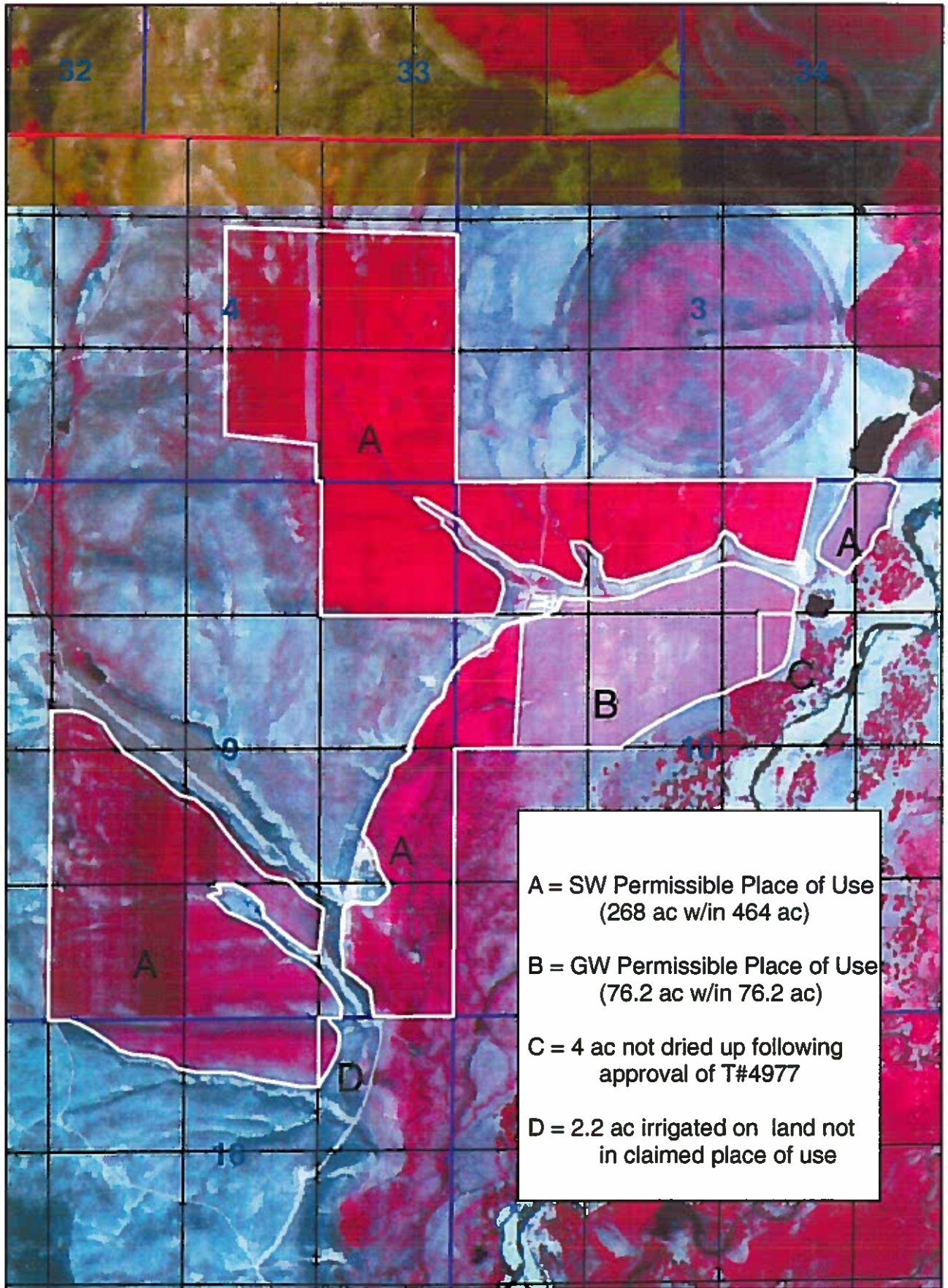
Y 3 Ranch
9/3/1992 Image, 1987 POU
Attachment 4



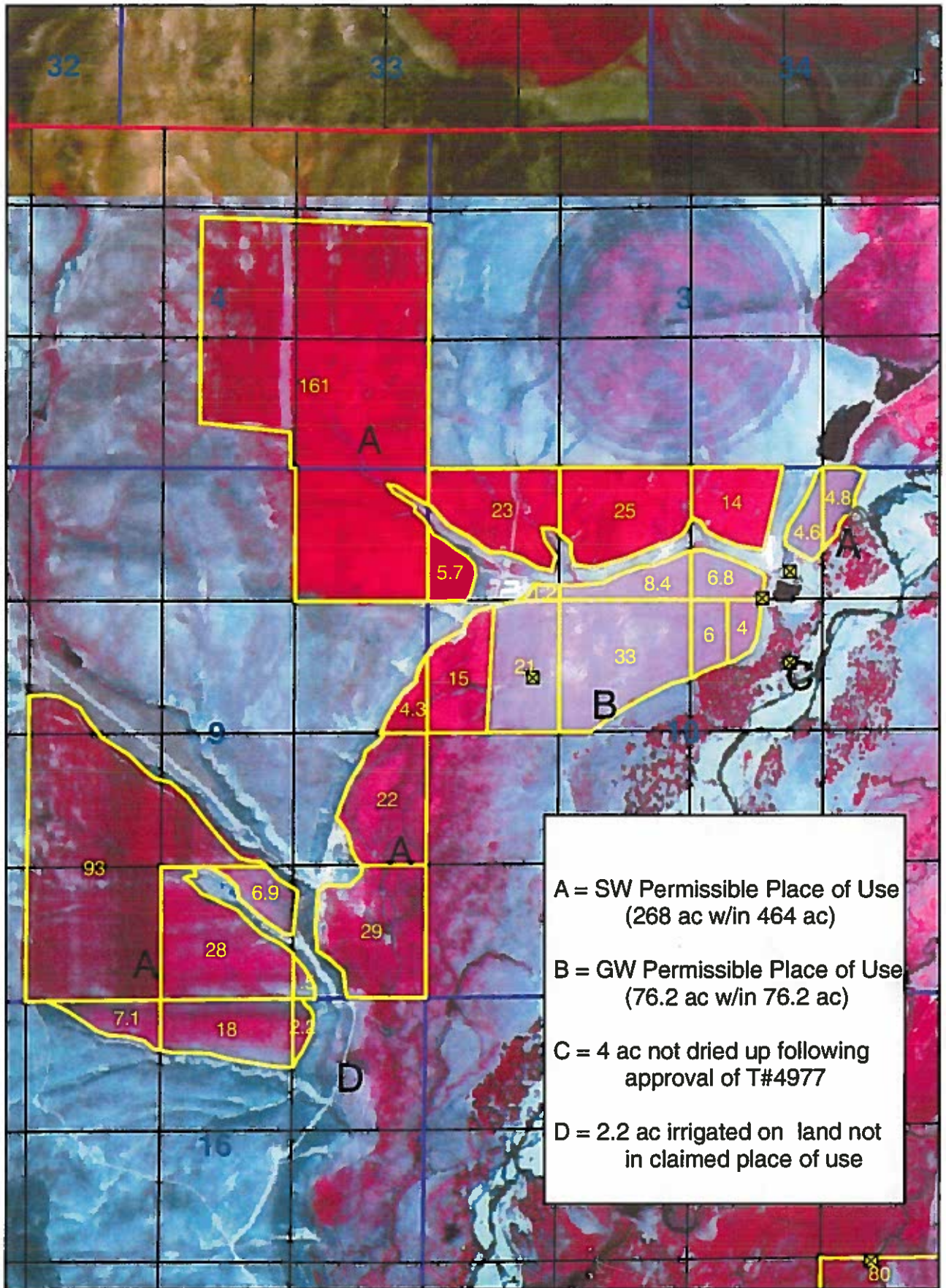
Y 3 Ranch
2004 Image, 1987 POU
Attachment 5



Y 3 Ranch
2004 Image, 2004 PPU
Attachment 6



Y 3 Ranch
1987 Image, 1987 PPU
Attachment 7



Y 3 Ranch
1987 Image, 1987 PPU
Attachment 7

12/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-51

NAME AND ADDRESS: Y 3 RANCH
PO BOX 5405
BOISE ID 83705-5405

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 05/15/1891

POINT OF DIVERSION:

T01S R18E S2 SWSWNE Lot 2 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R18E S10	NENE	6.70	T01S R18E S10	NWNE	26.00
T01S R18E S10	NENW	33.00	T01S R18E S10	NWNW	29.00

94.7 ACRES TOTAL

Right Nos. 37-51, 37-7113A, and 37-7838A are limited to the irrigation of a combined total of 156.4 acres in a single irrigation season.

Right Nos. 37- 51, 37-663, 37-1231, 37-7113A, and 37-7838A are limited to the irrigation of a combined total of 265.9 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



Idaho Department of Water Resources

SRBA Recommendation:

37-51

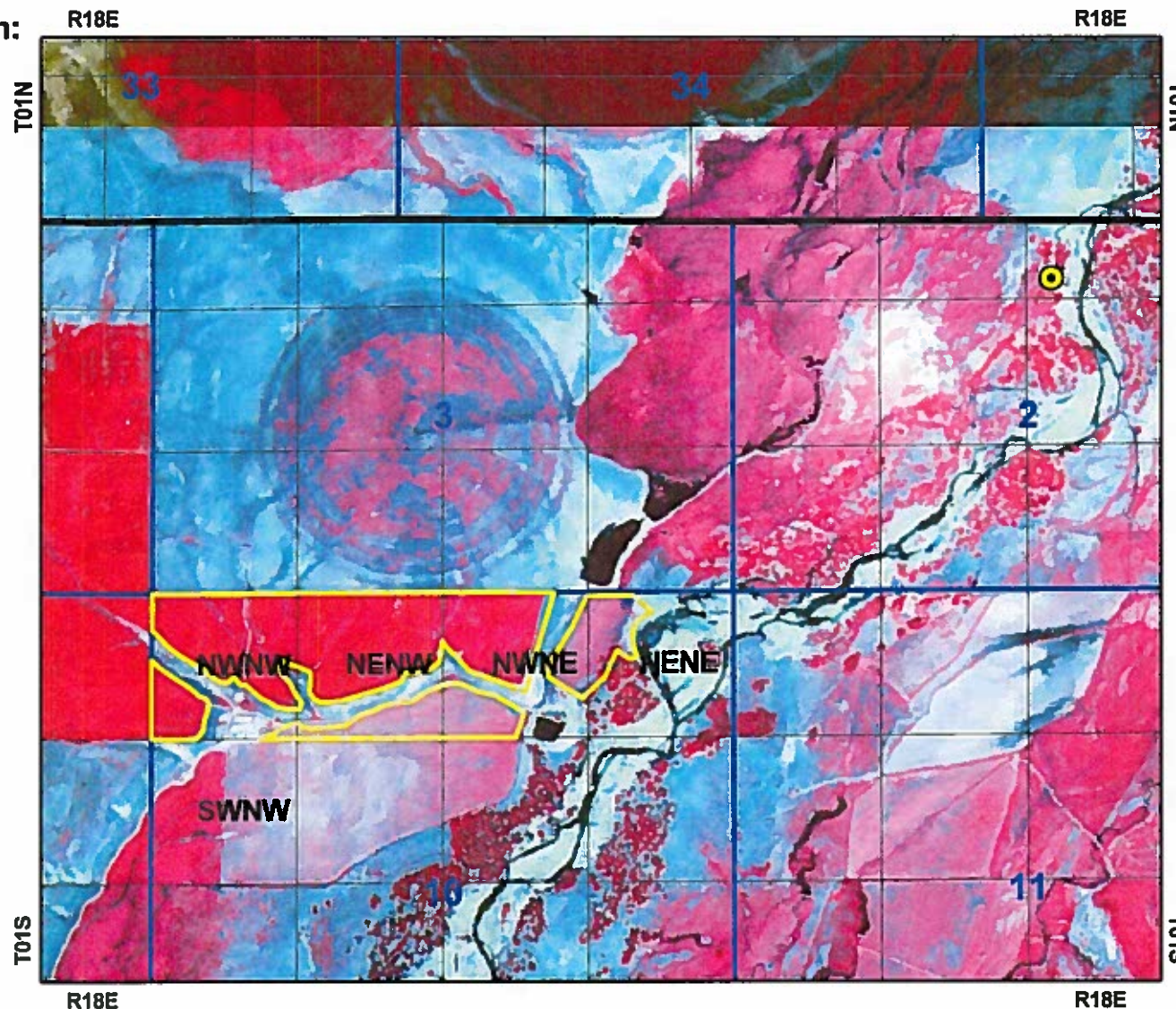
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



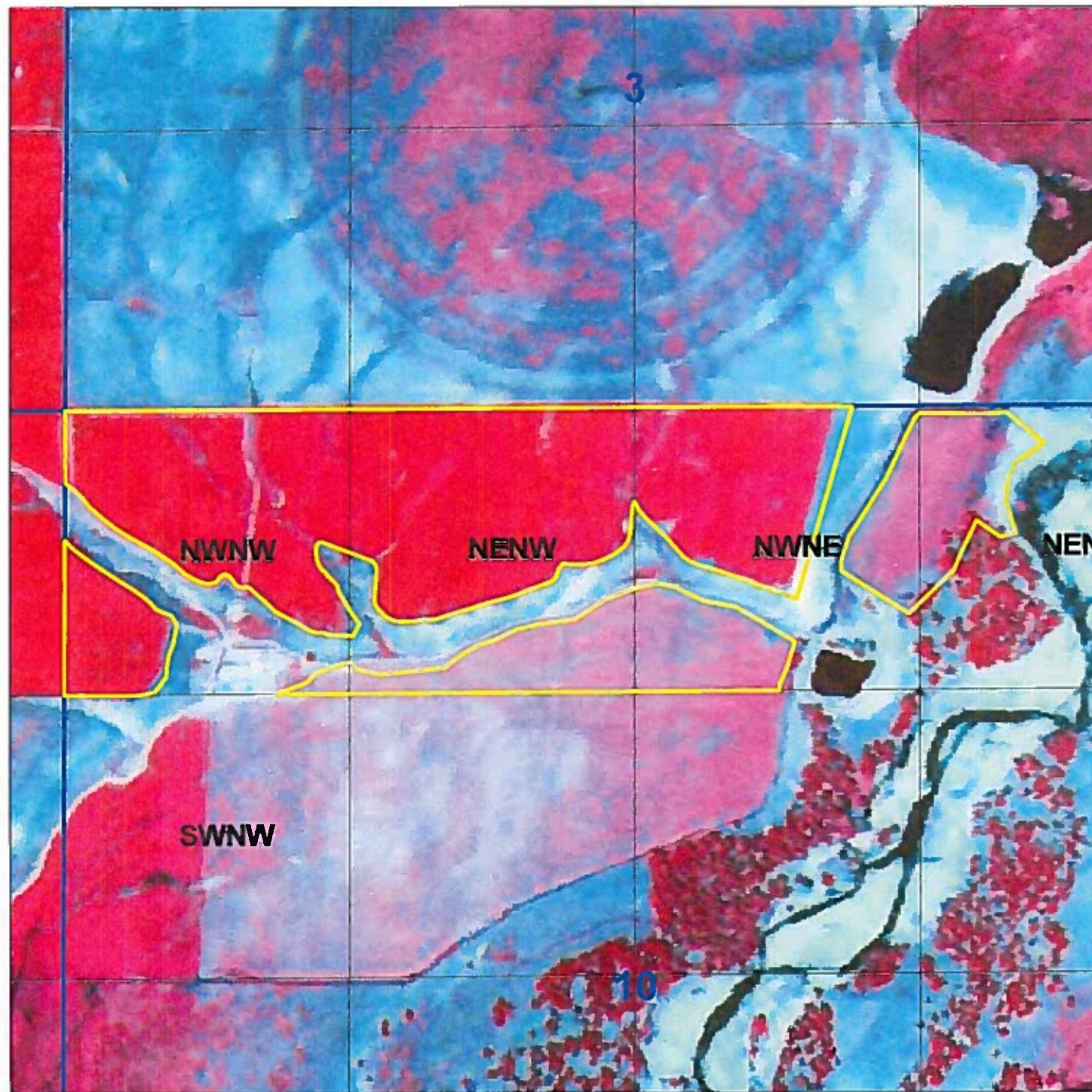
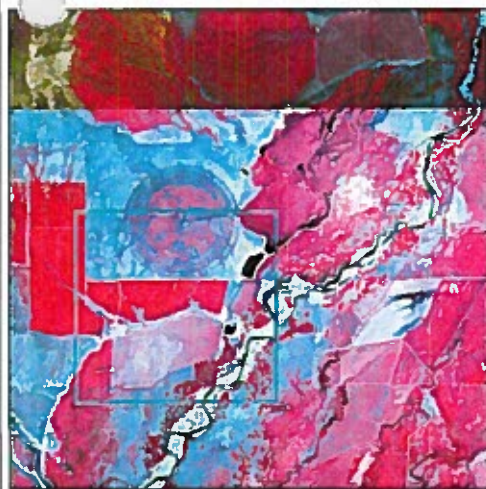
Blaine County
IDWR Basin 37



0 0.6 1.2 Miles

Prepared by C. Skinner
On Tuesday, December 12, 2006
1987/88 Aerial Photography

37-51



Adjudication Claim Notes

Claim(s): 37-0051

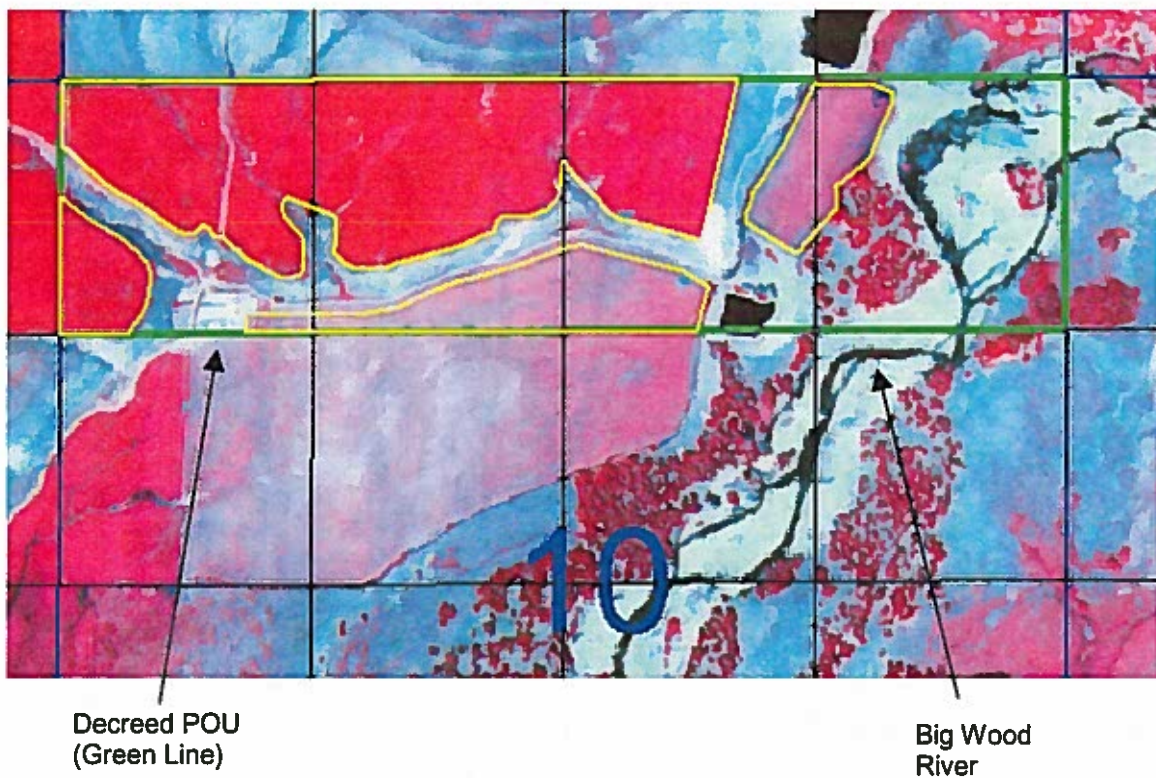
Background Data

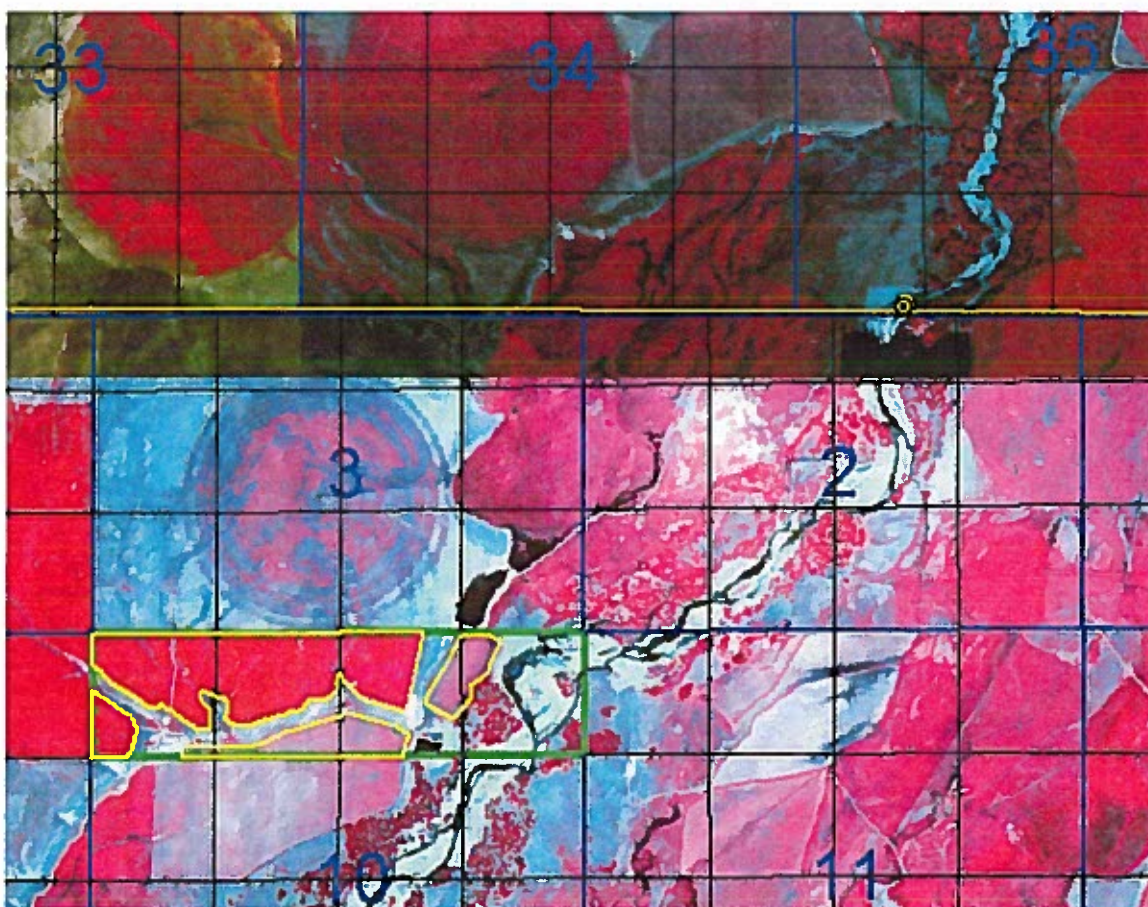
- Source is Big Wood River tributary to Malad River
- Decreed for 2.0 cfs on 4 QQ
- Decreed Priority Date: 5/15/1891
- Watermaster delivering 2.0 cfs
- Claimed for 2.0 cfs on 160 acres

Place Of Use Data

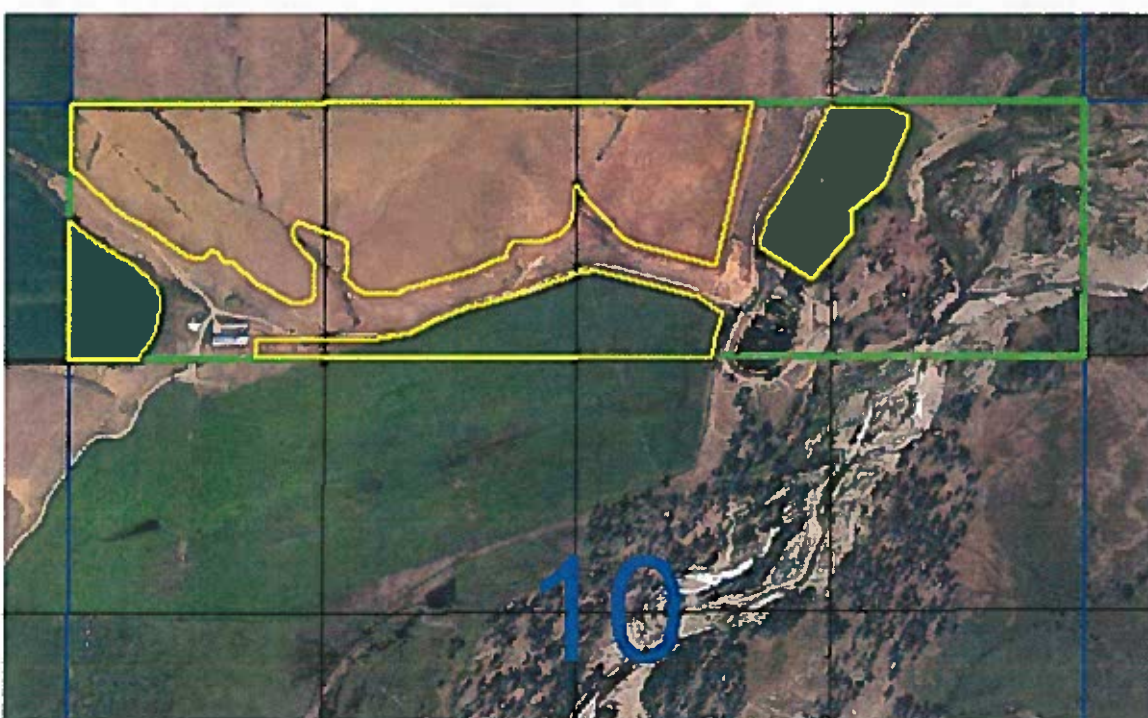
Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo





2004 Aerial Photo



Notes

T1S R18E Section 10

- Found 88 acres
- Outline ditches and delivery system as it existed in 1987
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Water Right Number - 37-00051

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BELLINGER

MERRITT

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
05/15/1891 17 D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 18E 2 SW NE 2 (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

2.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.000+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

01S	18E	10	NE NE			01	IRRIGATION	(13) BLAINE
01S	18E	10	NW NE			01	IRRIGATION	(13) BLAINE
01S	18E	10	NE NW			01	IRRIGATION	(13) BLAINE
01S	18E	10	NW NW			01	IRRIGATION	(13) BLAINE

Total Acres:

+ - - Diversion Means - UHRIG HEADGATE #63

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - Decree Plaintiff - - - +
S. C. FROST, ET. AL.+ - - - - Decree Defendant - - - +
ALTURAS WATER COMPANY, ET. AL.+ - Decree Date - +
12/13/1909FEB 22 1989
MICROFILMED

Water right number - 37-00051

Adj. flag translation: Standard Water Right Number

+ - - Microfilm Rolls -

+ - - Audit Fields - 02/11/86

05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 07/01/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 12/13/1909				

MICROFILMED
FEB 22 1989

	ind acres	combo	combo	combo	combo	
37-51	94.7	} 171	} 265.7	} 379.2 375	} ~~455.4~~	
37-663						
37-1231						
37-22329	113.5					
		} 76.2				
37-7113A						
37-7838A						

22329 110.2
 2.22 @ 7.60 cfs
 1.64 @ 5.60