

Idaho Dept. of Water Resources
322 E. Front St. Boise, ID
May 4, 2007

To: Don Shaff
From: Jennifer Dean *JD*
Subject: South Elmore Irrigation Company Objections

The South Elmore Irrigation Company holds 7 water rights in Basin 02 (2-2210, 2-2269, 2-2345, 2-2367, 2-7255, 2-7263 & 2-7317). In total the 7 water rights cover around 9,000 acres. Unfortunately, during the review of these rights in the SRBA, it was discovered that these rights don't qualify as an irrigation company because they have too few users. Because South Elmore Irrigation Company doesn't qualify as an official irrigation company, there was not the option of defining the place of use (POU) of these water rights as a digital boundary. This necessitated the review of the land lists for these water rights in order to prepare the recommendations for these rights. In a telephone conversation with Chris from the South Elmore Irrigation Company, it was brought to my attention that there were some concerns with the POU for these rights.

In my review of the land lists for these rights I noticed several things that could be corrected through an objection of South Elmore Irrigation Company to these rights. The problems appear to only be associated with two of their water rights, 2-2269 and 2-2367. Transfer #4881 was issued in 1996 for these two water rights. The transfer incorrectly listed 160 acres in the SE ¼ of Section 24 and omitted roughly 160 acres in the SW ¼ of Section 22. Normally the recommendation would be generated to match the transfer. In this case, the decision was made to recommend acres in such a way as to correct any places where the transfer wasn't accurate (See Memo from Shelley Keen 12/12/05). In addition to correcting the acreage through the recommendation, there were two other differences between the recommendations and the transfer. The first difference was that the recommendations did not combine 2-2269 and 2-2367 to a permissible place of use (PPU) as was done in the transfer. It appears that this decision was made based on the amended claims filed on July 1, 2003. The amendments reflect the decision to split the rights from a PPU. I am not sure that this can be done once the rights are incorporated into a PPU. The second difference is that fewer acres were recommended in total. The transfer lists 6291 acres for the PPU of 2-2269 and 2-2367. The total recommended acres covered under 2-2269 and 2-2367 were only 6131 acres. I believe the reason for the reduction in acres was due to cutting out corners for fields where irrigation had switched to pivot sprinklers since the time of licensing. It is my understanding based on the historic use that these acres should still be included under these rights (as of 1996 they were still recognized under the transfer). One other item that I noticed was that there were a few instances where multiple acreages were listed for a particular quarter quarter. Often in these cases there were more acres recommended than the standard 40 acres per quarter quarter. I couldn't find information related to why the recommendations were issued in this way.

In order to issue the most accurate partial decree possible, I have spoken with representatives of the South Elmore Irrigation Company and advised that they file an objection to

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these two water rights. If the company objects to these rights, I advise recommending the two water rights as a PPU (as transferred) with the acreages corrected as was done with the initial recommendations. The difference between the recommended acres and the corrected acres after the objection would be adding back the acres that were removed to bring the total back to 6291 acres covered under both rights. Because over 150 acres were not recommended there is a little flexibility in where those acres are added back into the system. The attached spreadsheet shows my guidelines for recommending these rights. The first column shows the maximum acres that could be recommended per quarter quarter. The second column shows the minimum acres that should be recommended per quarter quarter. The third column is an example of one way that the acres could be recommended. As decisions are made about the acreages that are recommended the total should add up to the 6291 acres that were approved during the transfer.

Additionally, due to the reduction in acres recommended under 2-2269, the diversion volume and rate were reduced. I suggest that these should be brought back up to the full amount that was allowed under the transferred water rights. The season of use was recommended for a longer period than what was determined under the transfer. The season of use should be shortened and the condition allowing subordinate use between the start of the standard season and the start of the licensed season. The combine use limit for 2-2210, 2-2269, 2-2345, 2-2367, 2-7255, 2-7263, & 2-7317 (limiting these rights to 131.14 cfs) should be reviewed. I could not find the information to support the combined diversion rate. It may be the capacity of the system, but I did not find the information to be sure of that assumption. The condition associated with the accomplished change in place of use should be reviewed. I am not sure that the "accomplished change" fits under the provisions of 42-1425 of the Idaho Code. It appears that this change took place after 1987.

Due to the complexity of this system and these rights, there may be things that have been overlooked. Please review and modify accordingly. This memo is simply to address the issues that I have found working on these files for the past months. If you have any questions about these recommendations, please contact me.

Please refer to 2-2345 Overlap Analysis.xls for more info.

Twp	Rng	Sec	Q-Q	Lot	Maximum	Minimum	Example
5S	6E	1	NENE	1	30	30	30
			NWNE	2	38	38	38
			SWNE		40	40	40
			SENE		40	40	40
			NESW		40	40	40
			NWSW		40	40	40
			SWSW		40	40	40
			SESW		40	40	40
			NESE		40	40	40
			NWSE		40	40	40
			SWSE		40	40	40
			SESE		40	40	40
		3	NENE	1	40	40	40
			NWNE	2	40	40	40
			SWNE		40	40	40
			SENE		40	40	40
			NESW		40	40	40
			NWSW		40	40	40
			SWSW		40	40	40
			SESW		40	40	40
			NESE		40	40	40
			NWSE		40	40	40
			SWSE		40	40	40
			SESE		40	40	40
		10	NENE		40	40	40
			NWNE		40	40	40
			SWNE		40	40	40
			SENE		40	40	40
			NENW		40	40	40
			NWNW		40	40	40
			SWNW		40	40	40
			SENW		40	40	40
			NESW		40	40	40
			NWSW		40	40	40
			SWSW		40	40	40
			SESW		40	40	40
			NESE		40	40	40
			NWSE		40	40	40
			SWSE		39	39	39
			SESE		39	39	39
		11	NENE		40	40	40
			SWNE		40	40	40
			SENE		40	40	40
			SWSW		40	40	40
			SESW		6	6	6
			NESE		40	40	40
			NWSE		40	40	40
			SWSE		39	39	39
			SESE		39	39	39
		12	NENE		40	40	40
			NWNE		40	40	40
			SWNE		40	40	40
			SENE		40	40	40
			NENW		40	40	40
			NWNW		40	40	40
			SWNW		40	40	40
			SENW		40	40	40

Twp	Rng	Sec	Q-Q	Lot	Maximum	Minimum	Example
5S	6E	12	NESW		40	40	40
			NWSW		40	40	40
			SWSW		40	40	40
			SESW		40	40	40
			NESE		40	40	40
			NWSE		40	40	40
			SWSE		40	40	40
			SESE		39	39	39
		13	NENE		40	40	40
			NWNE		40	40	40
			SWNE		40	40	40
			SENE		40	40	40
			NENW		36	36	36
			NWNW		39	39	39
			SWNW		40	40	40
			SENW		40	40	40
			NESW		40	40	40
			NWSW		40	40	40
			SWSW		40	40	40
			SESW		40	40	40
			NESE		40	40	40
			NWSE		40	40	40
			SWSE		37	37	37
			SESE		40	40	40
		14	NENE		40	40	40
			NWNE		40	40	40
			SWNE		40	40	40
			SENE		40	40	40
			NENW		21	21	21
			NWNW		29	29	29
			SWNW		40	40	40
			SENW		40	40	40
			NESW		40	40	40
			NWSW		40	40	40
			SWSW		40	40	40
			SESW		40	40	40
			NESE		40	40	40
			NWSE		40	40	40
			SWSE		40	40	40
			SESE		40	40	40
		15	SWNE		37	37	37
			SENE		37	37	37
			NENW		36	36	36
			NWNW		40	40	40
			SWNW		17	17	17
			SENW		10	10	10
			NESE		40	30	36
			NWSE		40	31	36
			SWSE		40	30	36
			SESE		40	30	36
		16	NENE		40	32	38
			NWNE		40	32	38
			SWNE		40	32	38
			SENE		40	32	37
			NENW		40	28	35
			NWNW		40	28	35
			SWNW		40	28	35

Twp	Rng	Sec	Q-Q	Lot	Maximum	Minimum	Example
5S	6E	16	SENW		40	28	35
			NESW		26	26	26
			NWSW		24	24	24
			NESE		11	11	11
			NWSE		19	19	19
		22	NENE		39	30	36
			NWNE		40	30	36
			SWNE		40	30	36
			SENE		39	30	36
			NESW		40	40	40
			NWSW		40	40	40
			SWSW		34	34	34
			SESW		38	38	38
			NESE		40	30	36
			NWSE		40	30	36
			SWSE		40	30	36
			SESE		40	30	36
		23	NENE		40	40	40
			NWNE		40	40	40
			SWNE		30	30	30
			SENE		40	40	40
			NENW		40	40	40
			NWNW		40	40	40
			SWNW		40	40	40
			SENW		40	40	40
			NESW		40	40	40
			NWSW		40	40	40
			NESE		35	35	35
			NWSE		14	14	14
		24	NENE		39	39	39
			SENE		19	19	19
			NENW		40	40	40
			NWNW		40	40	40
			SWNW		40	40	40
			SENW		24	24	24
			NWSW		35	35	35
5S	7E	17	NESW		40	40	40
			NWSW		36	36	36
			NWSE		24	24	24
		18	NESE		22	22	22
		20	SWSW		21	21	21
			SESW		38	38	38
			NESE		40	40	40
			NWSE		40	40	40
			SWSE		40	40	40
		21	NENE		40	40	40
			NWNE		40	40	40
			SWNE		40	40	40
			SENE		34	34	34
			NESW		40	40	40
			NWSW		37	37	37
		22	NENW		40	40	40
			NWNW		40	40	40
			SWNW		40	40	40
			SENW		40	40	40

6366.0 6169.0 6291.0