

RECEIVED

JUL 12 2017

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81800MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Casa Del Norte, L.P.Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☐ #10 Other. Please describe: Transfer amounts

EXHIBIT

tabbies

201

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 12 2017
WATER RESOURCES
WESTERN REGION

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Casa Del Norte, L.P. Phone 208-366-7931
Mailing address 11204 North Bar 21 Drive, Glenns Ferry, ID 83623 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SPF Water Engineering, LLC Phone 208-383-4140
Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

John B. McCallum John B. McCallum 7/13/17
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
1. Change place of use to reflect current irrigation. Authorized ground water and surface water proposed for transfer will be consolidated to pivot acres. 2. Add a 2nd point of diversion to water right 61-301B.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part <input checked="" type="checkbox"/> <input type="checkbox"/>	61-301B	1.02/433	Irrigation	4/1 to 11/1	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	61-2111	1.02/436.6	Irrigation	2/15 to 11/15	Cold Springs Creek
<input checked="" type="checkbox"/> <input type="checkbox"/>	61-11885	0.48	Irrigation	2/15 to 11/15	Cold Springs Creek
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 2.53 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.53 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

POD changes to Water Right 61-301B only

New ?	Lot	%	%	%	Sec	Twp	Rge	County	Source	Local name or tag #
no			NW	NE	8	4S	9E	Elmore	Ground Water	Current POD
no		SE	SE	SE	9	4S	9E	Elmore	Ground Water	Proposed/Additional
										POD

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	9E	8									14	8	35	40		0.5	11		108.5
		17		3			29	19.5											51.5
Total Acres (for irrigation use)																			160

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Wells, headgate, ditches, pressurized irrigation system

Measuring devices and lockable controlling works have been installed.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Acres will no longer be irrigated due to change in place of use.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-301B

Current Owner: CHARTER MOUNTAIN RANCH INC

Priority Date: 6/10/1955

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/01 to 11/01

1.02 CFS

433 AF

Total Diversion

1.02 CFS

433 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4

Sec. 8, Twp 04S, Rge 08E B M.

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R09E S8	NWNE	2.40	T04S R09E S8	SWNE	25.00
T04S R09E S8	NESW	39.00	T04S R09E S8	NWSW	9.30
T04S R09E S8	SWSW	8.30	T04S R09E S8	SESW	39.00
T04S R09E S8	NWSE	27.00	T04S R09E S8	SWSE	23.00
T04S R09E S17	NENW	32.00	T04S R09E S17	NWNW	12.00

Total Acres: 215

Conditions of Approval:

1. E58 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 61-2111 & 61-11885
2. C18 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.

Decreed Date: 8/28/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-2111

Current Owner: CHARTER MOUNTAIN RANCH INC

Priority Date: 7/5/1955

Origin: Water Right

Status: Active

Basis: Decreed

Source

COLD SPRINGS CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

02/15 to 11/15

Diversion Rate

1.02 CFS

Annual Volume

436.6 AF

Total Diversion

1.02 CFS

436.6 AF

Location of Point(s) of Diversion

COLD SPRINGS CREEK

NW1/4SW1/4NE1/4

Sec 35, Twp 03S, Rge 09E B.M.

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R09E S8	NWNE	2.40	T04S R09E S8	SWNE	25.00
T04S R09E S8	NESW	39.00	T04S R09E S8	NWSW	9.30
T04S R09E S8	SWSW	6.30	T04S R09E S8	SESW	39.00
T04S R09E S8	NWSE	27.00	T04S R09E S8	SWSE	23.00
T04S R09E S17	NENW	32.00	T04S R09E S17	NWNW	12.00
Total Acres 215					

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT NO 61-11885 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C18 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.
5. USE OF THIS RIGHT WITH RIGHT NO 61-11885 & 61-301B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 81-11885

Current Owner: CHARTER MOUNTAIN RANCH INC

Priority Date: 7/5/1955

Origin: Water Right

Status: Active

Basis: Decreed

Source

COLD SPRINGS CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

02/15 to 11/15

Diversion Rate

0.48 CFS

Annual Volume

Total Diversion

0.48 CFS

Location of Point(s) of Diversion

COLD SPRINGS CREEK

NW1/4SW1/4NE1/4

Sec. 35,

Twp 03S,

Rge 09E B M

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R09E S8	NWNE	2.40	T04S R09E S8	SWNE	25.00
T04S R09E S8	NESW	39.00	T04S R09E S8	NWSW	9.30
T04S R09E S8	SWSW	6.30	T04S R09E S8	SESW	39.00
T04S R09E S8	NWSE	27.00	T04S R09E S8	SWSE	23.00
T04S R09E S17	NENW	32.00	T04S R09E S17	NWNW	12.00

Total Acres: 215

Conditions of Approval:

1. RIGHT NO. 81-02111 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. USE OF THIS RIGHT WITH RIGHT NO. 81-02111 & 81-301B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 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(8), IDAHO CODE

Decreed Date 9/11/2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it Attachment #3a.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. A small portion of a green line is visible at the bottom left corner.**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

Received by CS Date 7/12/17 Preliminary check by _____ Date _____

Fee paid \$735 Date 7/12/17 Received by CA Receipt # WVH5470

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ & W-9 ☐ (originals to state office)

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

THORNTON BYRON LLP
1101 WEST RIVER STREET, SUITE 340
POST OFFICE BOX 7156
BOISE, ID 83707-1156
208/344-8600

Instrument # 345624
Elmore County, Idaho
10:01am May 02, 2003
For: THORNTON BYRON LLP
No. of Pages: 4 Fee: \$12.00
GAIL L. BEST, Recorder
Deputy: DLE

(SPACE ABOVE LINE FOR RECORDER'S USE)

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, CHARTERS MOUNTAIN RANCH, INC., an Idaho corporation, which took title as CHARTER MOUNTAIN RANCH, INC., as Grantor, does hereby grant, bargain, sell and convey unto CASA DEL NORTE L.P., a Delaware limited partnership, whose current address is Rural Route 1, Box 451, Glenns Ferry, Idaho 83623, as Grantee, all that certain real property located in Elmore County, Idaho, as more particularly described on Exhibit A attached hereto and made a part hereof by this reference.

TOGETHER WITH all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument effective the first day of January, 2002.

GRANTOR:

CHARTERS MOUNTAIN RANCH, INC.
An Idaho Corporation

By: 

JOHN B. MCCALLUM, President

RE-RECORDED

Instrument # 348664
Elmore County, Idaho
10:17am Jul 24, 2003
For: THORNTON BYRON LLP
No. of Pages: 4 Fee: \$12.00
GAIL L. BEST, Recorder
Deputy: DLE

STATE OF IDAHO)

ss.

COUNTY OF Elmore)

On this 29th day of April, 2003, before me, the undersigned Notary Public in and for said State, personally appeared JOHN B. MCCALLUM, known or identified to me to be the President of CHARTERS MOUNTAIN RANCH, INC., the within named Idaho corporation that executed the foregoing instrument, and the person whose name is subscribed to this instrument, and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Cheryl McCallister

NOTARY PUBLIC, State of Idaho

Residing at: Alexis Ferry

Commission expires: 9-24-06

EXHIBIT A

TRACT I-A:

Township 3 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 34: SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 35: Lot 4 and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Township 4 South, Range 9 East, Boise, Meridian, Elmore County, Idaho

Section 2: Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 3: NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Less S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$, and Lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and all of SE $\frac{1}{4}$, Less NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 9: E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 10: N $\frac{1}{2}$ NE $\frac{1}{4}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, all of SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 15: N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 16: NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 17: N $\frac{1}{2}$ N $\frac{1}{2}$

TRACT I-B:

Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 29: E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$

TRACT I-C:

Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 16: NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$

TRACT I-D:

Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 8: W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 3: S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$

TRACT I-E:

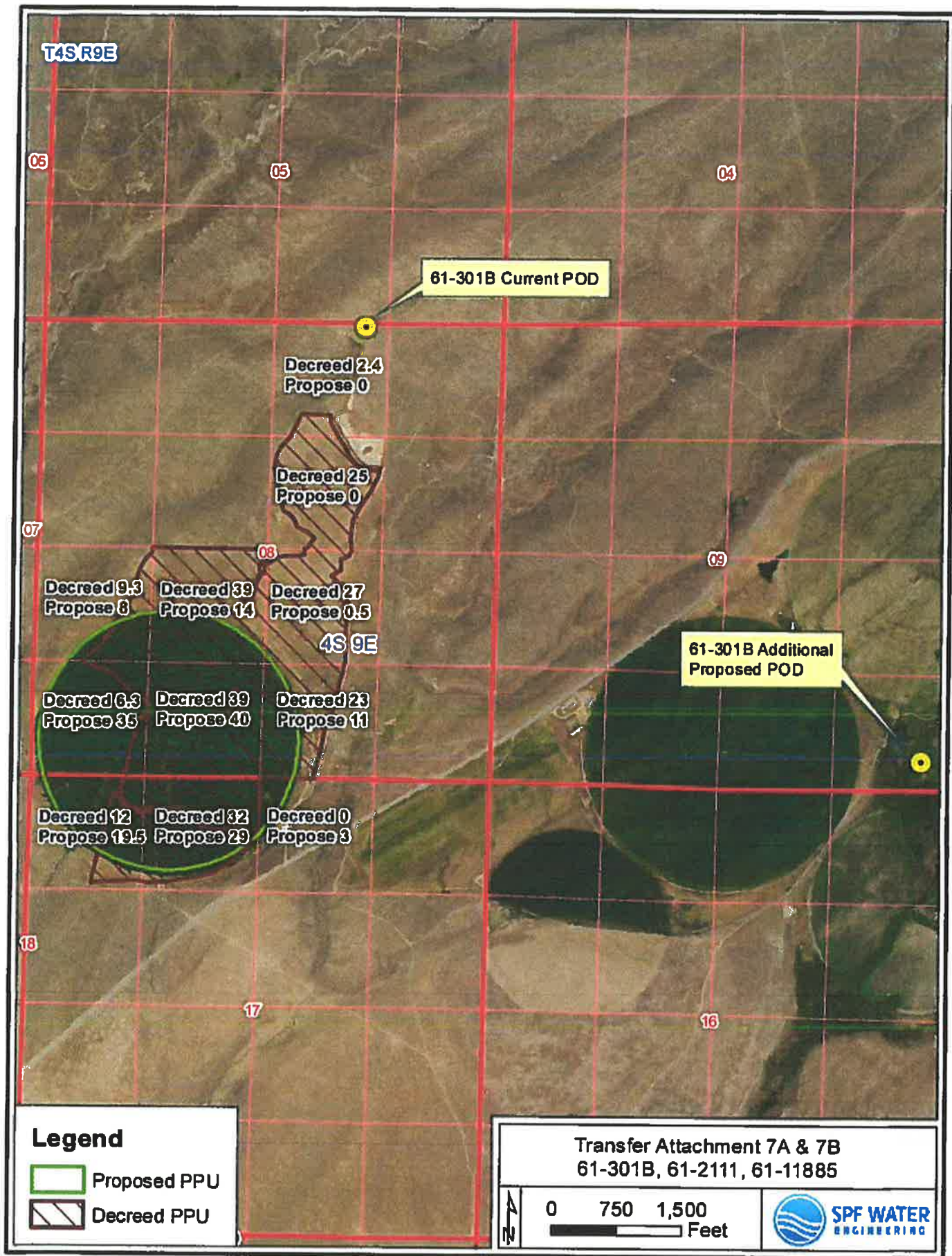
Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 3: NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 9: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 10: N $\frac{1}{2}$ NW $\frac{1}{4}$

Together with and including all grazing, water, mineral, ditch and other rights appurtenant thereto.



Transfer Attachment 10

Water Rights Proposed for Transfer to Bull Pasture Pivot

Bull Pasture Pvt (160 ac)	"From" Acres	"To" Acres	Total cfs	duty gpm/acre	duty cfs/acre
Ground Water					
61-3018	215	160	1.02	2.9	0.0064
Cold Springs Cr					
61-2111	215	160	1.02	2.9	0.0064
61-11885	215	160	0.48	1.3	0.0030
Total	215	160	2.52	7.1	0.0158

RECEIVED

Rev. 07/18

DEC 03 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81800

WATER RESOURCES
WESTERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Casa Del Norte, L.P.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment)
- ☐ ☒ #10 Other. Please describe: _____

EXHIBIT

tabbies

202

RECEIVED

DEC 03 2018

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Casa Del Norte, L.P. Phone 208-366-7931
 Mailing address 11204 North Bar 21 Drive, Glenns Ferry, ID 83623 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SPF Water Engineering Phone 208-383-4140
 Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

John B. McCallum
 Signature of Applicant or Authorized Representative

PRESIDENT
 Print Name and Title if applicable

12/3/2018
 Date

 Signature of Applicant or Authorized Representative

 Print Name and Title if applicable

 Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
☒ Add diversion point(s)
☐ Change period of use
☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
See Attachment Part 1A.3.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

[illegible]

****Insert this page into Part 1B of the Application for Transfer of a Water Right.**

Ident. No. _____

Attachment to: ☐ Application for Permit to appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

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 the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

Transfer Part 1A.3.

1. Move 161 acres of the 61-301A Group, 61-332 Group and 61-11854 from S29 to the 174-acre pivot in S8 and S17.
2. Move 161 acres of the 61-301B group from S8 and S17 to S29. Consolidate remaining 54 acres to the 174-acre pivot to allow irrigation of the 13 acres in excess of 161 acres.
3. List both hot water wells as diversion points on water rights 61-301A and 61-301B. Currently, one well is authorized for 61-301A, and the other for 61-301B.
4. Add Cold Springs Creek diversions authorized under the 61-332 Group to water rights 61-2111 and 61-11885.

The proposed place of use changes will allow full irrigation coverage on the pivot in S8 and S17 at a higher ground water flow rate than currently authorized. Enlargement is not being proposed because (1) the ground water wells under the 61-301A Group and 61-301B Group are hydraulically connected and equal in priority, and (2) all stacked surface water rights under both groups are subject to transfer and will remain stacked.

The proposed point of diversion changes will allow for irrigation flexibility.

Transfer Part 1B. 4. (Proposed Place of Use Changes)

Township	Range	Section	NE				NW				SW				SE				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
61-301A Group (Portion to Change)																				
Current																				
4S	9E	29	33			39								27	36	26		161		
Proposed																				
4S	9E	8								16	10	37	40		1	12		116		
		17		4		32	22											58		
61-11854 (All)																				
Current																				
4S	9E	29	33			39								27	36	26		161		
Proposed																				
4S	9E	8								16	10	37	40		1	12		116		
		17		4		32	22											58		
61-301B Group (All)																				
Current:																				
4S	9E	8		2.4	25					39	9.3	6.3	39		27	23		171		
		17					32	12										44		
Proposed:																				
4S	9E	8								16	10	37	40		1	12		116	Limited to 54 acres within 174-acre pivot area	
		17		4		32	22										58			
		29	33			39								27	36	26	161			
61-322 Group (Portion to Change)																				
Current																				
4S	9E	29	33			39								27	36	26		161		
Proposed																				
4S	9E	8								16	10	37	40		1	12		116		
		17		4		32	22											58		

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Wells, headgate, ditches, pressurized irrigation system. Measuring devices and lockable controlling works have been installed at the Cold Springs Creek diversion, and will be installed on other diversions at the Department's request.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
None. Water right limitations will not be exceeded.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

See the water rights' conditions.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Legend

61-301A Group current pods



Springs



Well



61-301A Group current pou

2-Plus Well

4S 9E



SPF WATER
ENGINEERING

300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Transfer Attachment 7A1
61-301A Group Current POU & PODs

Amendment
Transfer No. 81800

DATE: 10/29/2018

USER: LGraves

PROJECT: 162.0010



Absolute Scale: 1:25,096

0 625 1,250 2,500
Feet

Legend

Source

 Cold Springs Creek

 Well

61-301B Group current pou

Walker Well



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Transfer Attachment 7A2
61-301B Group Current POU & PODs

Amendment
Transfer No. 81800

DATE: 10/29/2018

USER: LGraves

PROJECT: 162.0010



Absolute Scale: 1:34,000

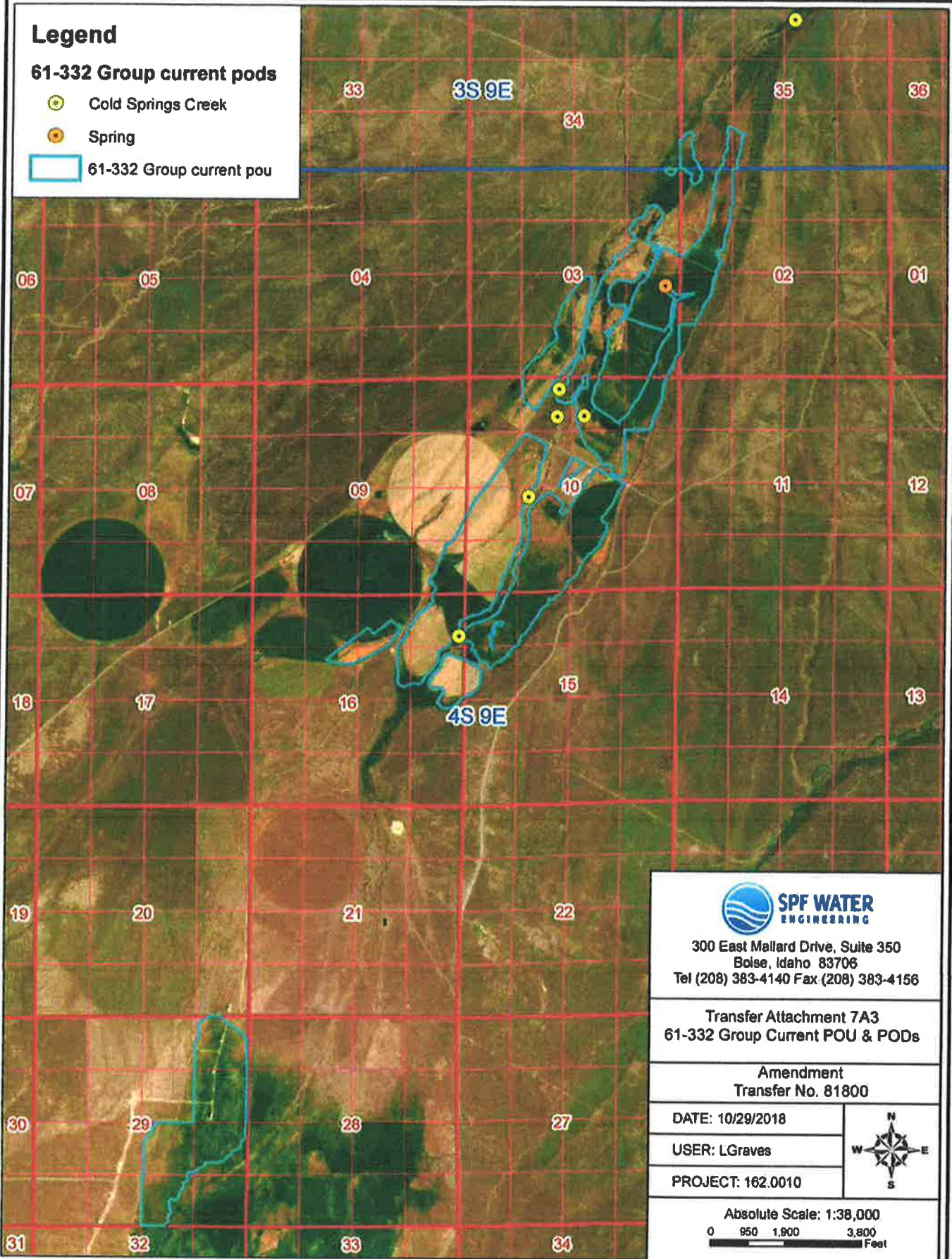
0 850 1,700 3,400
Feet

COORDINATE REFERENCE SYSTEM: NAD 1983 2011 StatePlane Idaho West FIPS 1103 FI US

Legend

61-332 Group current pods

-  Cold Springs Creek
-  Spring
-  61-332 Group current pou



**SPF WATER
ENGINEERING**

300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Transfer Attachment 7A3
61-332 Group Current POU & PODs

Amendment
Transfer No. 81800

DATE: 10/29/2018

USER: LGraves

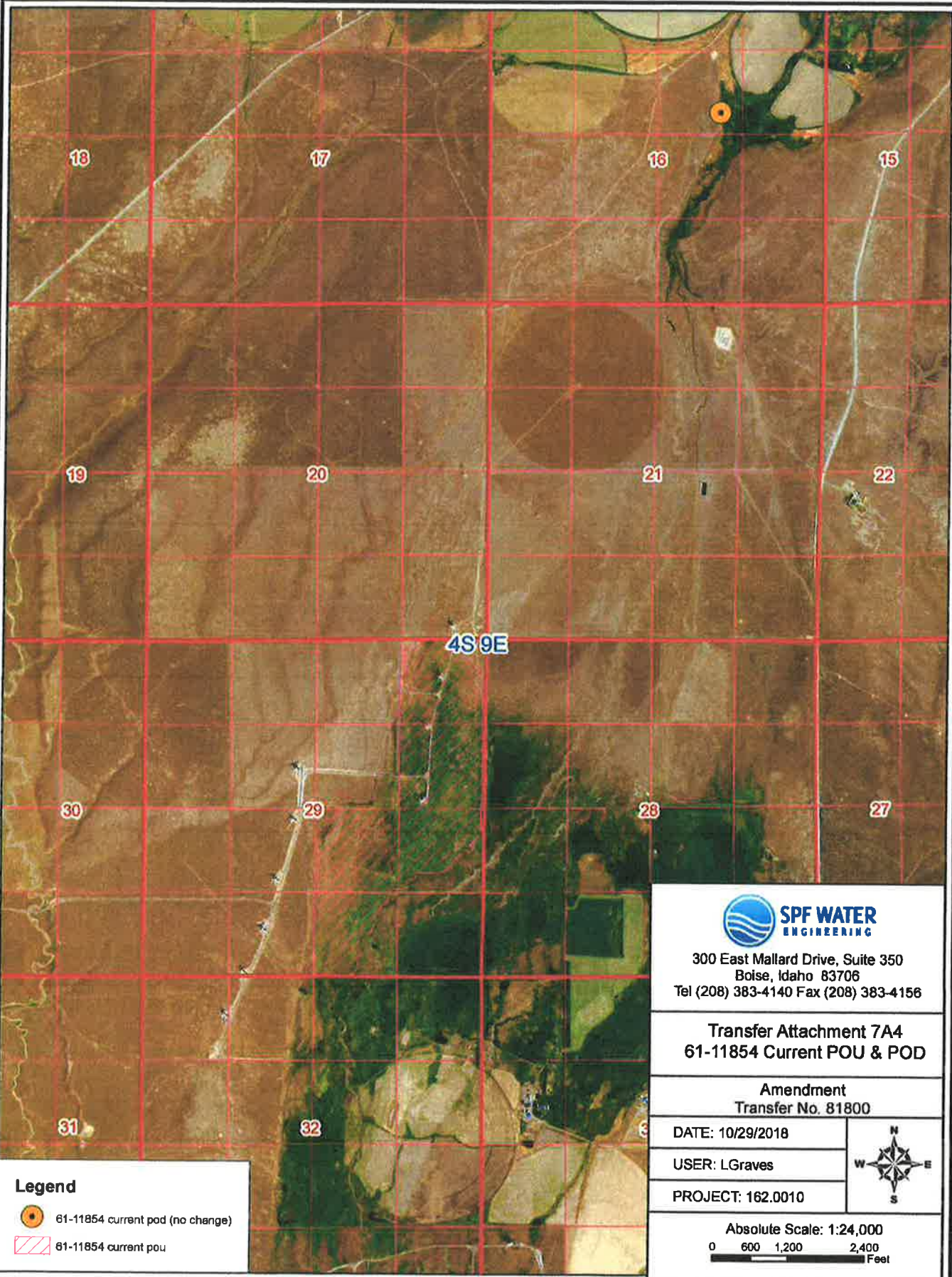
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Absolute Scale: 1:38,000

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Feet

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Legend

-  61-11854 current pod (no change)
-  61-11854 current pou



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Transfer Attachment 7A4
61-11854 Current POU & POD

Amendment
Transfer No. 81800

DATE: 10/29/2018

USER: LGraves

PROJECT: 162.0010

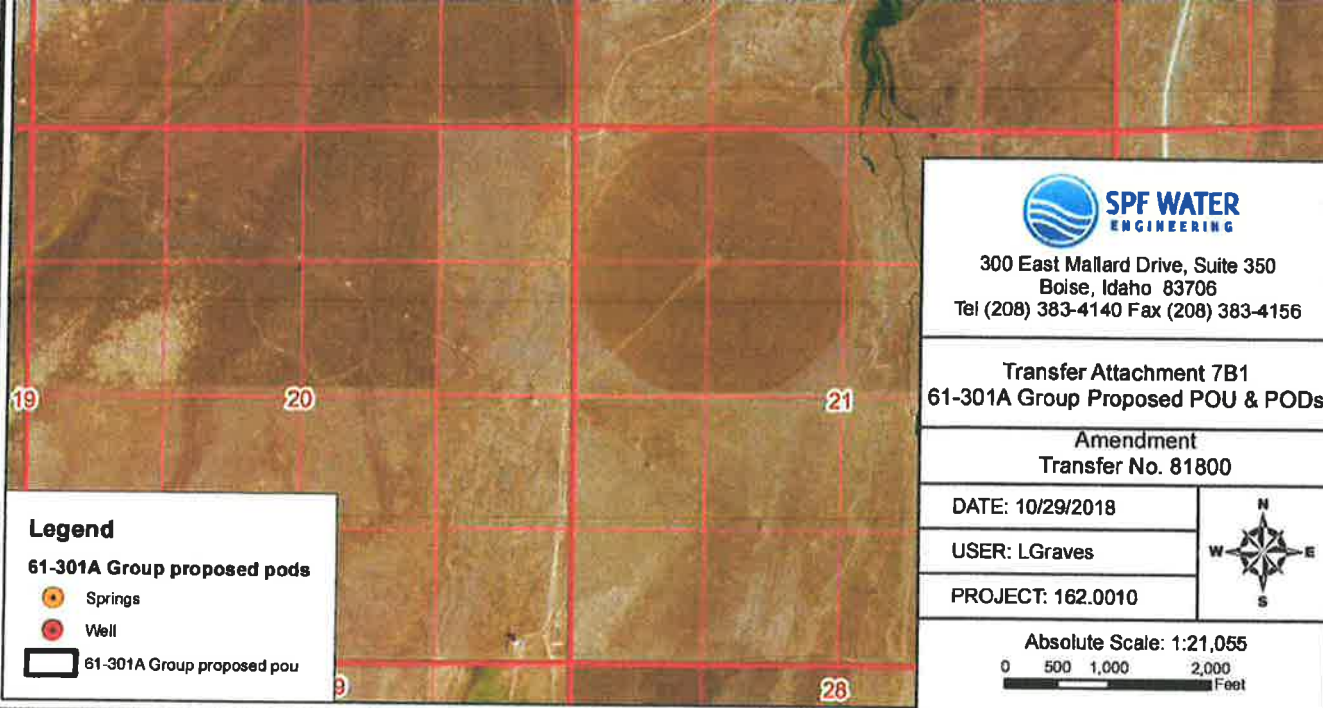


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Feet

COORDINATE REFERENCE SYSTEM: NAD 1983 2011 StatePlane Idaho West FIPS 1103 Ft US

Path: S:\PROJECTS\1620010 Cold Springs Creek Ranch\PROJECT 2018\GSA\Map



Legend

61-301A Group proposed pods

-  Springs
-  Well
-  61-301A Group proposed pou



**SPF WATER
ENGINEERING**

300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Transfer Attachment 7B1
61-301A Group Proposed POU & PODs

Amendment
Transfer No. 81800

DATE: 10/29/2018

USER: LGraves

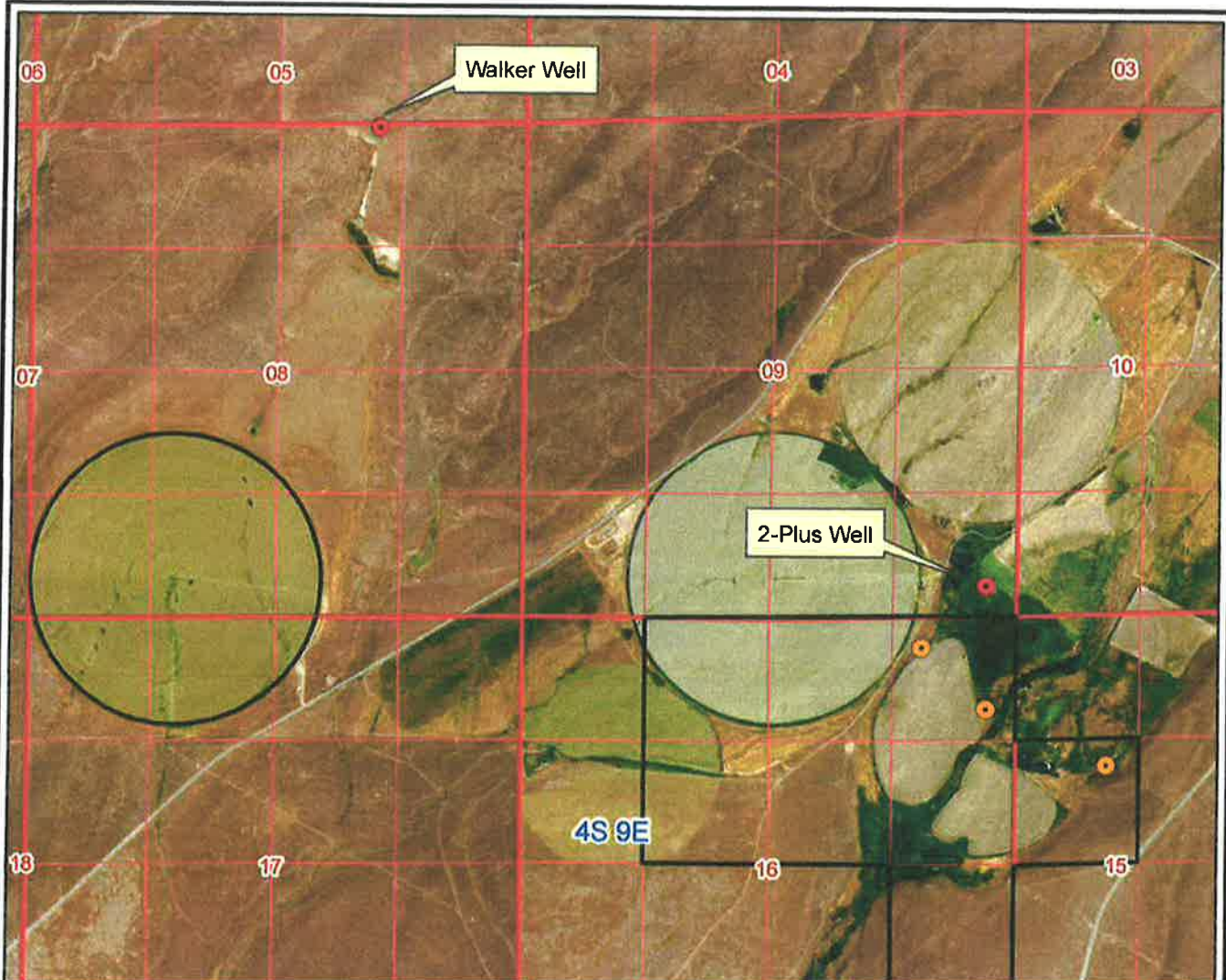
PROJECT: 162.0010



Absolute Scale: 1:21,055

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Feet

COORDINATE REFERENCE SYSTEM: NAD 1983 2011 StatePlane Idaho West FIPS 1103 Ft US

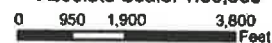


61-3018 Group proposed pou

2-Plus Well

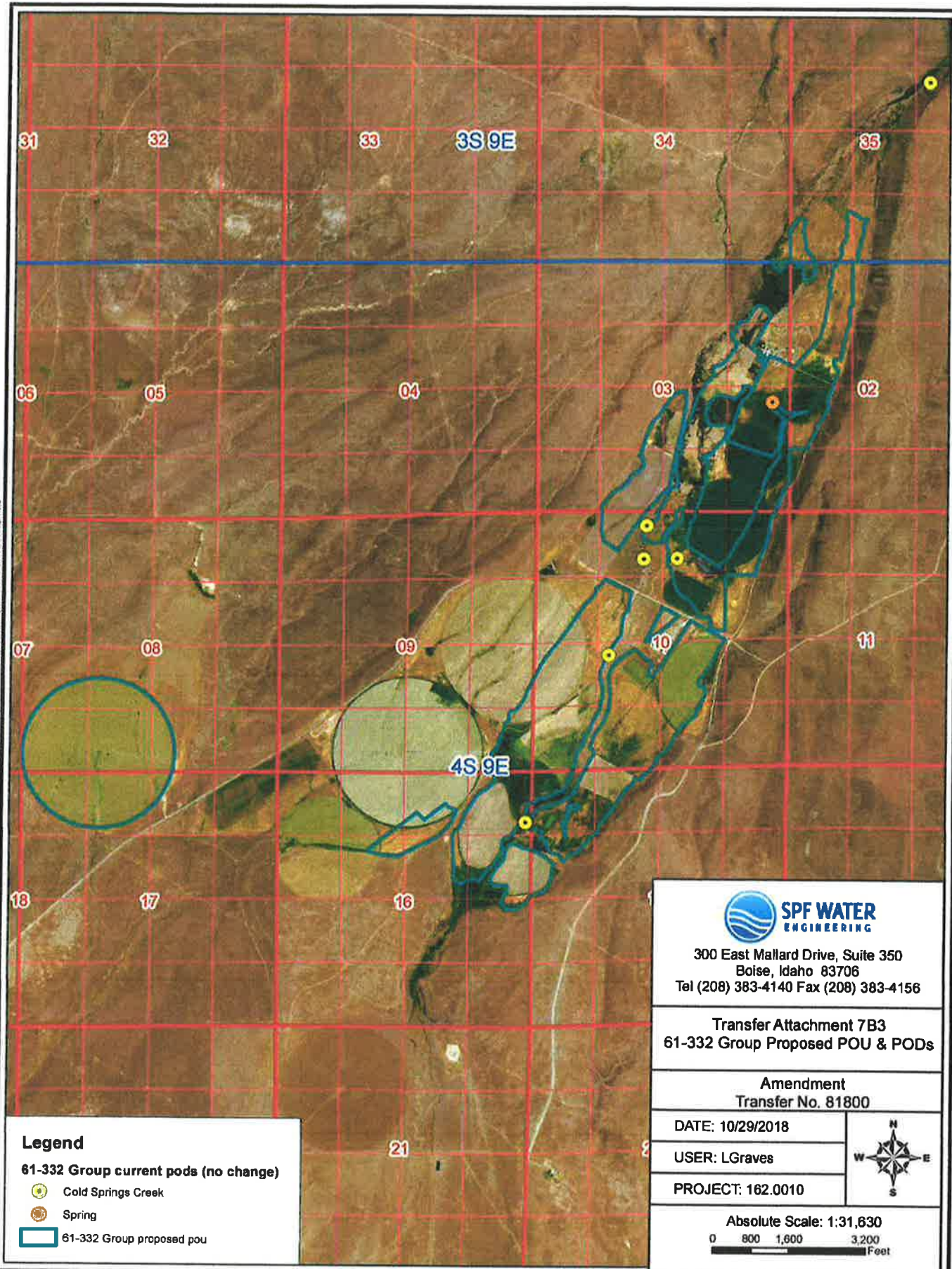
**54 acres within
174-acre pivot**

161 acres



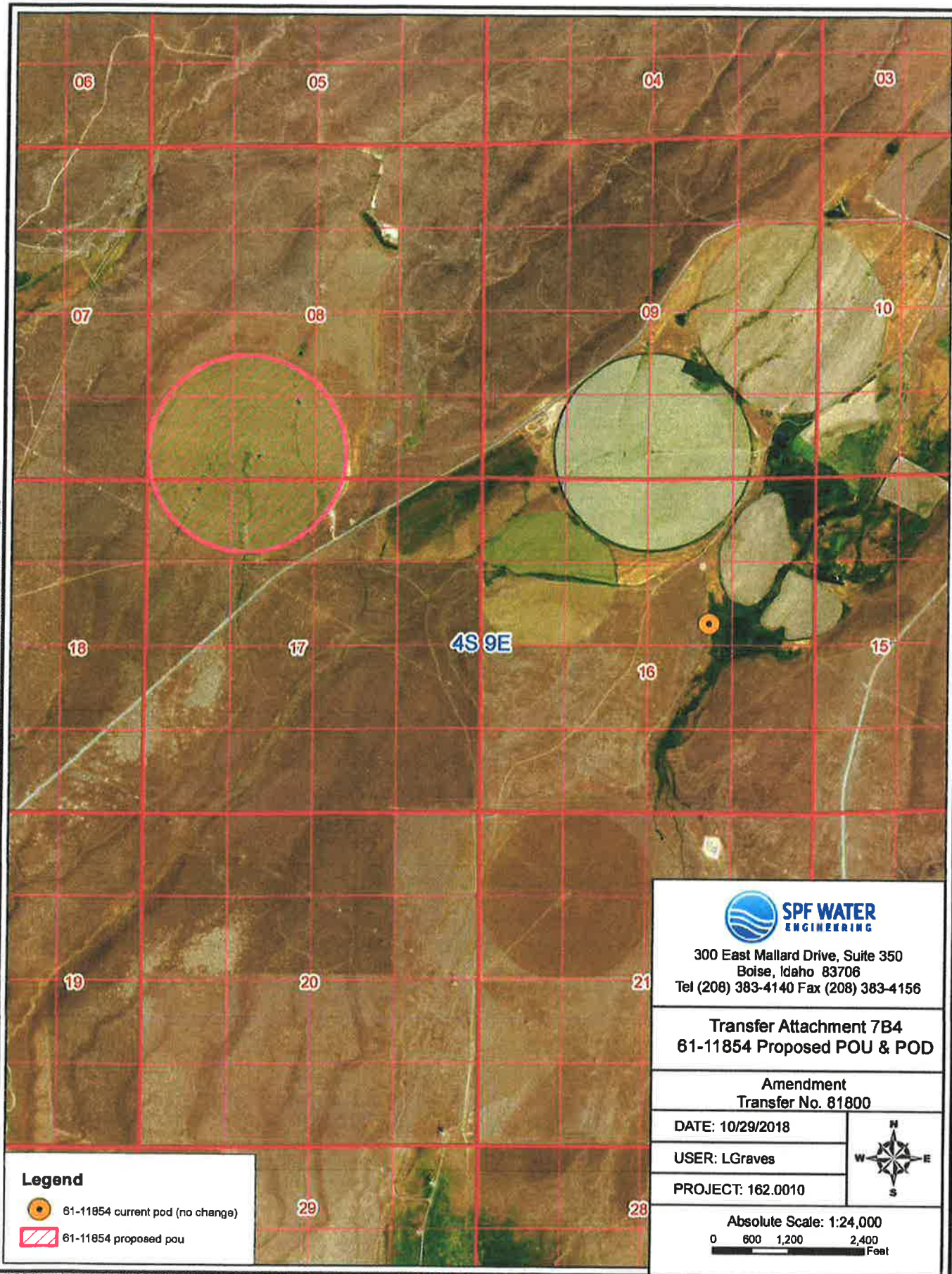
COORDINATE REFERENCE SYSTEM: NAD 1983 2011 StatePlane Idaho West FIPS 1103 F1 US

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COORDINATE REFERENCE SYSTEM: NAD 1983 2011 StatePlane Idaho West FIPS 1103 FT US

Path: S:\PROJECTS\1620010 Cold Springs Creek Ranch\PROJECT 2018\GIS\Map\Map_1620010 Cold Springs Creek Ranch Amendment Map Attachment 7B4 Map.mxd





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81800
AMENDED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Casa Del Norte, L.P.

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Casa Del Norte, L.P. Phone 208-366-7931
Mailing address 11204 North Bar 21 Drive, Glens Ferry, ID 83623 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SPF Water Engineering, LLC Phone 208-383-4140
Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

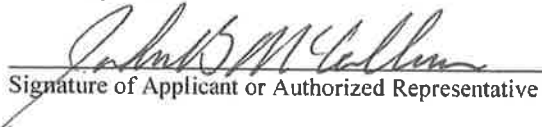
☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

John B. McCallan
Print Name and Title if applicable

Managing Member

6/25/18
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
See attached

TRANSFER PART 1A.2

- (1) Consolidate the authorized place of use under surface water rights 61-2111 and 61-11885 and the remaining place of use under groundwater right 61-301B to a proposed 174-acre pivot area.
- (2) Move a 161-acre portion of groundwater right 61-301B to 161 acres currently covered under 61-301A.
- (3) Move a 161-acre portion of groundwater right 61-301A to the proposed pivot area.
- (4) Consolidate the remaining 54 acres under water right 61-301B and all 215 acres under water rights 61-2111 and 61-11885 to the 174-acre pivot area.
- (5) List both hot water wells as diversion points on water rights 61-301A and 61-301B. Currently, one well is authorized for water right 61-301A, and the other for 61-301B.

The purpose for the ground water swap is to allow irrigation at a higher flow rate on the pivot acres. Expansion is not proposed since both ground water rights are hydraulically connected, equal in priority and share a common drainage. Listing both hot wells on water rights 61-301A and 61-301B will allow irrigation flexibility.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u> (to pivot acres)	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part <input type="checkbox"/> <input checked="" type="checkbox"/>	61-301A	3.51/642.4	Irrigation	4/1 to 11/1	Ground Water
<input type="checkbox"/> <input checked="" type="checkbox"/>	61-301B	0.26/108.8	Irrigation	4/1 to 11/1	Ground Water
<input checked="" type="checkbox"/> <input type="checkbox"/>	61-2111	1.02/436.6	Irrigation	2/15 to 11/15	Cold Springs Creek
<input checked="" type="checkbox"/> <input type="checkbox"/>	61-11885	0.48	Irrigation	2/15 to 11/15	Cold Springs Creek
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>			(to S29 acres)	to	
<input type="checkbox"/> <input checked="" type="checkbox"/>	61-301B	0.76/324.2	irrigation	4/1 to 11/1	Ground Water

Total authorized under rights 6.03 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 6.03 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion: No changes to Cold Springs Creek diversions

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
no			NW	NE	8	4S	9E	Elmore	Ground Water	(Walker Well)
no		SE	SE	SE	9	4S	9E	Elmore	Ground Water	(2-Plus Well)

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	9E	8									16	10	37	40		1	12		116
		17		4			32	22											58
																			*174
4S	9E	29	33			39									27	36	26		**161

Total Acres (for irrigation use)

*174-acres proposed for 61-301A, 61-301B (part), 61-2111, 61-11885

**161-acres proposed for 61-301B (part)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Wells, headgate, ditches, pressurized irrigation system

Measuring devices and lockable controlling works have been installed at the Cold Springs Creek diversion, and will be installed on other diversions at the Department's request.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

None. Water right limitations will not be exceeded. Expansion is not proposed since both sets of water rights share common water sources and drainages. The ground water sources are both low temperature geothermal wells that are hydraulically connected.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

See the water rights' conditions.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-301a

Current Owner: CASA DEL NORTE LP
Priority Date: 6/10/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 04/01 to 11/01
Total Diversion

5.38 CFS
5.38 CFS

984 AF
984 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SE1/4SE1/4

Sec. 9, Twp 04S, Rge 09E B.M.

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R09E S15	SWNW	7.10	T04S R09E S16	NENE	20.00
T04S R09E S16	NWNE	11.90	T04S R09E S16	SWNE	9.80
T04S R09E S16	SENE	28.00	T04S R09E S16	NENW	1.30
T04S R09E S16	SENW	5.50	T04S R09E S16	NESE	2.00
T04S R09E S29	NENE	33.00	T04S R09E S29	SENE	39.00
T04S R09E S29	NESE	27.00	T04S R09E S29	NWSE	36.00
T04S R09E S29	SWSE	26.00			

Total Acres: 246.6

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1368.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-332, 61-333, 61-334, 61-335, 61-336, 61-337, 61-338, 61-339, 61-340, 61-343, 61-364, 61-2008, 61-2095A, 61-2095B, 61-2199, 61-2209A, 61-2209B, 61-10363, 61-11844, 61-11847, 61-11854 & 61-11887.
2. WATER TEMPERATURE MEASURED AT 140 DEGREES F. WATER IS LOW TEMPERATURE GEOTHERMAL WATER FROM POINT OF DIVERSION IN T04S, R09E, S09, SESE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.92 CFS. COMBINED RIGHT NOS.: 61-332, 61-333, 61-334, 61-335, 61-336, 61-337, 61-338, 61-339, 61-340, 61-343, 61-364, 61-2008, 61-2095A, 61-2095B, 61-2199, 61-2209A, 61-2209B, 61-10363, 61-11844, 61-11847, 61-11854 & 61-11887.
6. C18 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.

Decreed Date: 8/28/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-301b

Current Owner: CASA DEL NORTE LP
Priority Date: 6/10/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.02 CFS	433 AF
	<u>Total Diversion</u>	1.02 CFS	433 AF

Location of Point(s) of Diversion

GROUND WATER
ELMORE County NW1/4NE1/4 Sec. 8, Twp 04S, Rge 09E B.M.

Place of Use

IRRIGATION Within ELMORE County

T04S R09E S8	NWNE	2.40	T04S R09E S8	SWNE	25.00
T04S R09E S8	NESW	39.00	T04S R09E S8	NWSW	9.30
T04S R09E S8	SWSW	6.30	T04S R09E S8	SESW	39.00
T04S R09E S8	NWSE	27.00	T04S R09E S8	SWSE	23.00
T04S R09E S17	NENW	32.00	T04S R09E S17	NWNW	12.00

Total Acres: 215

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-2111 & 61-11885
2. C18 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.

Decreed Date: 6/28/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-2111

Current Owner: CASA DEL NORTE LP
Priority Date: 7/5/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source

COLD SPRINGS CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

02/15 to 11/15

Diversion Rate

1.02 CFS

Annual Volume

436.6 AF

Total Diversion

1.02 CFS

436.6 AF

Location of Point(s) of Diversion

COLD SPRINGS CREEK

NW1/4SW1/4NE1/4

Sec. 35, Twp 03S, Rge 09E B.M.

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R09E S8	NWNE	2.40	T04S R09E S8	SWNE	25.00
T04S R09E S8	NESW	39.00	T04S R09E S8	NWSW	9.30
T04S R09E S8	SWSW	6.30	T04S R09E S8	SESW	39.00
T04S R09E S8	NWSE	27.00	T04S R09E S8	SWSE	23.00
T04S R09E S17	NENW	32.00	T04S R09E S17	NWNW	12.00

Total Acres: 215

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 61-11885 & 61-3018 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.
2. C18 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.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 61-11885 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 61-11885

Current Owner: CASA DEL NORTE LP
Priority Date: 7/5/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source

COLD SPRINGS CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

02/15 to 11/15

Diversion Rate

0.48 CFS

Annual Volume

Total Diversion

0.48 CFS

Location of Point(s) of Diversion

COLD SPRINGS CREEK

NW1/4SW1/4NE1/4

Sec. 35, Twp 03S, Rge 09E B.M.

ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T04S R09E S8	NWNE	2.40	T04S R09E S8	SWNE	25.00
T04S R09E S8	NESW	39.00	T04S R09E S8	NWSW	9.30
T04S R09E S8	SWSW	6.30	T04S R09E S8	SESW	39.00
T04S R09E S8	NWSE	27.00	T04S R09E S8	SWSE	23.00
T04S R09E S17	NENW	32.00	T04S R09E S17	NWNW	12.00

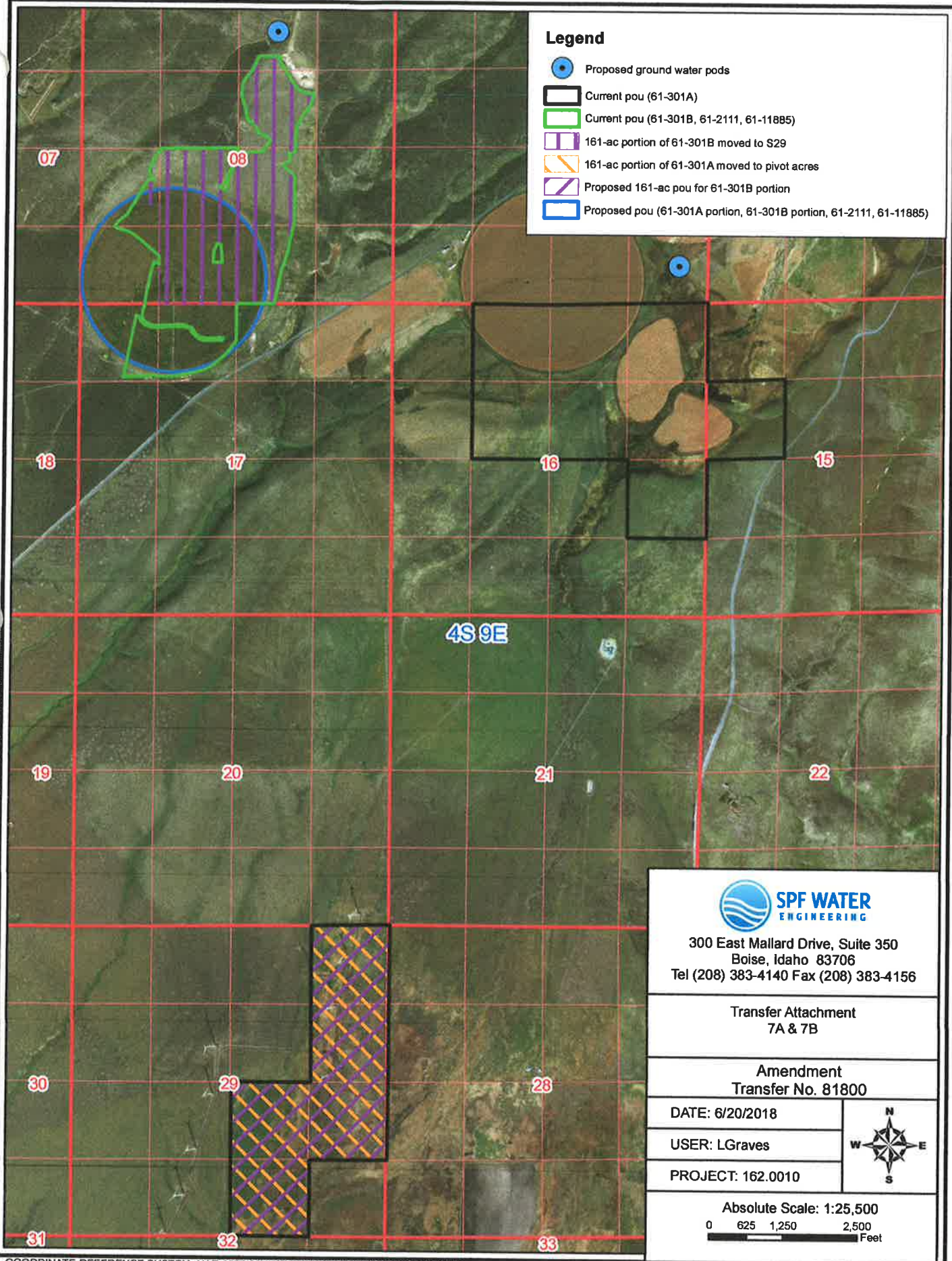
Total Acres: 215

Conditions of Approval:

1. RIGHT NO. 61-02111 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. C18 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.
3. USE OF THIS RIGHT WITH RIGHT NO. 61-02111 & 61-301B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 9/11/2002

Path: S:\PROJECT\J R Project\W Project\McCallum_1620010 Cold Springs Creek Ranch\PROJECT 2018\GIS\ArcMap_Productions\XFR Amendment Map



Legend

- Proposed ground water pods
- Current pou (61-301A)
- Current pou (61-301B, 61-2111, 61-11885)
- 161-ac portion of 61-301B moved to S29
- 161-ac portion of 61-301A moved to pivot acres
- Proposed 161-ac pou for 61-301B portion
- Proposed pou (61-301A portion, 61-301B portion, 61-2111, 61-11885)



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Transfer Attachment
7A & 7B

Amendment
Transfer No. 81800

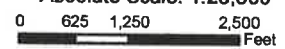
DATE: 6/20/2018

USER: LGraves

PROJECT: 162.0010



Absolute Scale: 1:25,500



COORDINATE REFERENCE SYSTEM: NAD 1983 2011 StatePlane Idaho West FIPS 1103 Ft US

204

Expert Rebuttal Report

Copy Provided
Separately (or
previously provided
on January 10, 2019)

Edward Squires, R.P.G.



EDUCATION

M.S. Interdisciplinary Hydrogeology, 1992, Boise State University, Boise, Idaho.
Advisors: Dr. S.H. Wood (BSU) and Dr. J.L. Osiensky (U of I).

B.S. Geology, groundwater emphasis, cum laude, 1990, Boise State University, Boise, Idaho.
Advisor: Dr. C. M. White.

Thesis: Hydrogeologic Framework of the Boise Aquifer System, Ada County, Idaho.

REGISTRATION

Registered Professional Geologist, since 1999, Idaho Certificate No. 968
Registered Professional Geologist, since 2010, Arizona Certificate No. 51268
Professional Well Log Analyst, since 1995
Idaho Certified Water Right Examiner, Certification No. 18-125

OVERVIEW

Ed Squires is the President and Managing Hydrogeologist for Hydro Logic, Inc. of Boise, Idaho. Before starting his own consulting firm in 1999, he served for 6 years as Manager of the Geosciences Department and Company Hydrogeologist for United Water Idaho, Inc. In that capacity, Mr. Squires has consulted on a variety of water resource projects to the United Water Resources group of companies around the United States. He has been part of the adjunct graduate faculty at Boise State University's Department of Geosciences since 1995, regularly teaching a curriculum course in Field Hydrogeology and serving as a guest lecturer for other water-related coursework. Prior to his tenure at United Water Idaho, Mr. Squires worked as a hydrogeologist for S.H. Wood and Associates and has over twenty-five years of hands-on groundwater and geophysical experience.

Mr. Squires' professional career and current practice emphasizes all aspects of responsible groundwater development, water rights, and resource protection. He has conducted extensive research and published several reports on the groundwater and subsurface hydrogeology of the Boise River Valley since publication of his Masters Thesis, entitled "Hydrogeologic Framework of the Boise Aquifer System, Ada County, Idaho". Mr. Squires served three years on the Technical Advisory Committee of the Treasure Valley Hydrologic Project and has been a member of the Southeast Boise Groundwater Management Area Committee, formed as a result of his research in Southeast Boise, since 1994. He served on the Technical Advisory Committee for the Hydrogeologic Framework and Computer Modeling Project for the Boise Front Geothermal Groundwater Management Area and was appointed by the Director to the Negotiated Rulemaking Committee to draft new administrative rules for well drilling in the State of Idaho. Ed currently is an active member of the 2nd (2018) Technical Advisory Committee for the Treasure Valley Hydrologic Project ground water numerical model at IDWR at the request of several of Ed's municipal clients.

Mr. Squires has designed and supervised the construction of over 300 large bore, high capacity water supply wells averaging 500 feet deep in sedimentary and volcanic aquifers. He has designed, supervised the construction, developed, and tested more than 60 deep (500-to-1000 feet) exploratory test/observation wells in addition to multiple geothermal and irrigation well development projects. In addition to new well installations, Mr. Squires has run down hole camera surveys and borehole geophysical logs in hundreds of wells throughout the Western States and has been in charge of rehabilitative maintenance/reconstruction of over 100 older wells.

Mr. Squires is a registered Professional Geologist (No. 968) in Idaho and a Professional Well Log Analyst. He is a member of the National Groundwater Association, the Association of Ground Water Scientists and Engineers, and is a Certified Water Rights Examiner in the State of Idaho (18-125).

REPRESENTATIVE PROJECT EXPERIENCE

Groundwater Development

- 1) Design, construction oversight, development, and testing of over 300 large bore, high capacity production supply wells for public drinking water systems, municipalities, and private utilities.
- 2) Designed, organized, and supervised 14 regional scale, long-term aquifer tests using the wells of: the State of Idaho Department of Corrections, United Water Idaho, Inc., Water District 63-S, Mesa Water Corporation, Capital Water Corporation, Tamarack Resort, Crane Creek Country Club, J.R. Simplot, Town of Wickenburg, AZ, City of Meridian, City of Kuna, City of Caldwell, and City of Eagle.
- 3) Conducted and interpreted borehole geophysical logs in newly drilled wells and provided design information for hundreds of well projects for industrial, commercial, agricultural, domestic, and municipal wells in the western U.S.
- 4) Testing/analysis of United Water Idaho's infiltration galleries (Ranney Collectors) along the Boise River.
- 5) Pumping test analysis and pumping plant design of municipal supply wells for the Cities of Caldwell, Meridian, Kuna, and Garden City and for many irrigation and commercial clients.
- 6) Ground water quality and water geochemistry evaluations for the Cities of Meridian, Caldwell, Kuna, and Garden City, United Water Idaho, Capitol Water Corp., Tamarack Resort, Pepsico USA, SSI Food Industries, Idaho Power Company, Wickenburg Ranch, Tusayan, AZ, The Terteling Company, Inc., and numerous other agricultural, commercial, water company, and subdivision clients.
- 7) Hydrogeologic and geophysical investigations for groundwater supply projects for the Idaho cities of Boise, Meridian, Caldwell, Mountain Home, Nampa, Greenleaf, Kuna, Marsing, Buhl, Rupert, Eagle, Cascade, Donnelly, Victor, Star, Emmett, Glenns Ferry, and Notus. Also the Cities of Hawthorne NV, Mt. Vernon OR, LaGrande OR, Island City OR, and Walla Walla WA and the towns of Tusayan AZ and Wickenburg AZ.

Geothermal

- 1) Water-level monitoring and data analysis of the BWSWD Well #3, Kanta-Yanke, Behrman, Quarryview Park, Koch, and BLM geothermal wells 1984-1987.
- 2) Water-level monitoring of the Terteling Ranch and Flora Nursery geothermal wells 1993- present.
- 3) Geophysical investigations of the BWSWD #1 and #2, Kanta, BLM, Terteling (6 wells) Ranch, UWID Cartwright, Crane Creek Country Club, Simplot Ranch, Jeker Ranch wells.
- 4) Large scale, 11-well aquifer test of the Stewart Gulch geothermal aquifer using the Terteling Windsock well as the pumping well. Basis for IDWR Order changing Water District 63-S boundary (1994).

- 5) Large scale, long-term aquifer testing of the Stewart Gulch geothermal wells using the Quail Hollow Golf Course well as the pumping well (1993).
- 6) Six-well, aquifer testing of the Crane Creek area geothermal wells using the Simplot Ranch, Crane Creek GC, and UWID wells as pumping wells. Settled UWID/Simplot water rights dispute – (194-1995).
- 7) Specific capacity testing of the Flora Nursery and Edwards Nursery geothermal wells 2000-2002.
- 8) Conducted and interpreted down hole camera surveys of the BWSWD, Flora, Crane Creek Country Club, Terteling Ranch wells.
- 9) Project manager for design, drilling, completion, and testing of the Peaceful Cove Nursery and Tom Terteling residence deep geothermal supply wells in Stewart Gulch – 1994 & 1995).
- 10) Project manager for the rehabilitation of the Terteling Ranch Pool, Motorcycle Club, and Windsock geothermal wells – 1990's.
- 11) Evaluation of historical weir flow data and geothermal water use at Flora Nursery – 1921- 2002.
- 12) Project manager for reconstruction, and sealing of the Flora Nursery Silkey geothermal well.2001.
- 13) Co-leader of the Treasure Valley Hydrologic Project Foothills Field Trip to view exposed geothermal aquifer rocks along the Boise Front 1998.
- 14) Project manager Stewart Gulch seismic profiling project to site, drill, and complete a new cold-water irrigation well above the geothermal aquifer – 1996
- 15) Conducted geophysical surveys for the J.R. Simplot Co.'s Aquaculture Project in Caldwell, ID.
- 16) Expert witness for Flora Nursery during protested geothermal Transfer application 2001-2002.
- 17) Expert witness for The Terteling Company during protested Petition by the City of Boise to increase geothermal water withdraws from the Boise Geothermal Aquifer 2002.
- 18) Hydrogeologic Framework Refinement and Simulation of Hydraulic Head and Temperature in the Boise Geothermal Aquifer -Technical Advisory Committee member 2002.
- 19) Co-author of the Boise Front Geothermal Aquifer Monitoring Plan June 2002.
- 20) Project manager for the geothermal exploration drilling and seismic reflection surveys project at Tamarack Resort 2005.
- 21) Seismic data interpretation and site selection for a new deep geothermal heating well for T-7 Ltd. – 2012

- 22) Lost pumping plant extraction and inspection/evaluation of the Boise Warm Springs Water District flowing artesian geothermal Well #1 - 2014
- 23) Project manager for the deep geothermal exploration well and water rights for Double Anchor Ranches, Cold Springs Creek, Glenn's Ferry, Idaho – July and August, 2017

Aquifer Recharge

- 1) Project manager for the United Water Idaho, Inc.'s Swift Aquifer Storage and Recovery project (aquifer recharge) in West Boise, Idaho, 1996-1999.
- 2) Consulting hydrogeologist to United Water Resources for various aquifer recharge projects along the east coast 1996-1999.
- 3) Geophysical and hydrogeological consultant to the State of Idaho Department of Water Resources' Managed Recharge Project including providing open-hole geophysical logs and borehole video 2000.
- 4) In-situ Aquifer Storage and Recovery project for dissolved iron concentrations in ground water in the Tamarack Resort municipal supply Well #7 ; successful elimination of iron 2004.
- 5) Attended two international ASR conferences and two recharge conferences in the US.
- 6) City of Meridian ASR Evaluation for City Well #23, 2009.
- 7) Member of the National Groundwater Association's ASR Task Force, 2009-2014

Surface Water

- 1) Five-year stream flow and surface water-geochemistry/water-quality monitoring of four mountain streams in the Tamarack Resort area of Valley County Idaho including establishment of baseline data and statistical analysis.
- 2) Three-year stream flow monitoring of three spring-fed perennial streams in the Squaw Ridge area near Ola, Idaho including an evaluation for two administrative futile water calls and associated water rights.
- 3) Monitoring and demonstration of water rights futile call and expert witness for Cold Springs Creek and Ryegrass Creek near Glenn's Ferry, ID, 2014.
- 4) Ground and Surface Water Resources Management Plan for Clagstone Meadows area of north Idaho including 3 exploratory test bores, surface water stream monitoring for flow and geochemistry. Surface water rights evaluation, adjudication claims, and new applications.

Water rights

- 1) Preparation, filing, and follow-through of numerous water right transfers and water right permit applications and transfers for public utilities, municipalities, the State of Idaho, commercial, and agricultural water users in Idaho.

- 2) Evaluation of surface water rights and filing of transfer applications in Little Salmon River Valley.
- 3) Expert witness in Basinwide Issue #5 – Conjunctive Management of Water Resources in Idaho.
- 4) Expert witness in all manner of water right disputes, protests, and well interference issues before the Idaho Department of Water Resources and in the Idaho courts including groundwater/surface water interactions.
- 5) Evaluations and filing of claims in the Snake River Basin Adjudication.
- 6) Certified Water Right Examiner in the State of Idaho regularly conducting field licensing examinations and evaluations of pumping systems including determination of historical use.
- 7) Continual involvement in the interpretation and application of the tenets of the State of Idaho Water Code with respect to groundwater resource development and management.
- 8) Project manager for United Water Idaho, Inc. concerning the implementation of the 1996 Municipal Water Rights Statute 1994-1999.
- 9) Successful "Municipal" water rights application for the Idaho Dept. of Transportation for its Issac's Canyon Rest Area near Boise. 1st use of 1996 Municipal Water Rights Statute for the State of Idaho.
- 10) Co-author of the first successful municipal "future needs" (RAFN) water right application in Idaho and three pending subsequent future needs applications.
- 11) Water rights consultant to the Idaho Department of Corrections for several facility locations.

Groundwater Development Feasibility Studies

- 1) 2006-2011 Project Manager for \$1.5 M hydrogeologic characterization and ground water development potential studies of the Upper Hassayampa Basin for the 3,000-unit Wickenburg Ranch planned development community near the town of Wickenburg, Arizona.
- 2) 2006-2011 Project Manager for \$2M hydrogeologic characterization and ground water development potential studies for the 6,000-unit Spring Valley planned development community in the Eagle, Idaho foothills.
- 3) Design, construction oversight, development, water quality testing, and monitoring of over 50 deep (500-1000 feet) exploratory test-well and piezometer nest installations for municipal and industrial water providers in Southwest Idaho..
- 4) Groundwater Feasibility Study For Idaho Power Co.'s Pahsimeroi Fish Hatchery, Lemhi, County, Idaho.
- 5) Reconnaissance Level Groundwater Feasibility Study for the Idaho Power Company's Oxbow Fish Hatchery at the Confluence of Pine Creek With the Snake River in the Hells Canyon Reach, Baker County, Oregon.

- 6) Hydrogeologic Evaluation of Groundwater Quality and Yield Beneath the Idaho Power Company's Pahsimeroi Fish Hatchery – Upper Facility.
- 7) Analysis of the 2001 Aquifer Testing for the Municipal Water Supply of the Proposed Tamarack Resort, Donnelly, Valley County, Idaho.
- 8) Groundwater Conditions and Hydraulic Testing of the Boise Fan-Aquifer of Southeast Boise River Valley, Ada County, Idaho.
- 1) Evaluation of the Hydrogeologic Framework and Groundwater Production Potential of the Kings River Valley, Nevada.

Resource Protection

- 1) Investigation, design and oversight of the decommissioning and proper abandonment of 49 aging and unsealed large-bore production well using perforate-and-pressure grouting techniques.
- 2) Design and oversight of the pressure grout sealing and rehabilitation of four high-yield unsealed wells for the defunct United Dairymen of Idaho Creamery in downtown Meridian, Idaho prior to building a new City Hall facility on the site.
- 3) Development and implementation of a baseline (pre-development) surface water quality monitoring plan for the proposed Tamarack Resort, Donnelly, ID.
- 4) Served two years (2008-2010) representing the City's of Meridian, Caldwell, and Kuna on the negotiated rulemaking committee for revision of Idaho's administrative rules for well drilling at request of the Director of the Department of Water Resources.
- 5) Served one year (1995-1996) representing United Water Idaho, Inc. on a negotiated rulemaking committee for revision of Idaho's administrative rules for well drilling at request of the Manager of the Western Regional office of the Department of Water Resources.

Expert Witness Testimony (entity represented underlined – all winning outcomes):

- 1) Idaho Department of Corrections versus Tyson Fine Foods
- 2) The Terteling Company, Inc. versus Edwards Greenhouses, LLC.
- 3) Naylor Farms versus Latah County et al
- 4) Ivey versus Russell
- 5) North Ada County Ground Water Users Association versus M3 Eagle, LLC.
- 6) Round Valley water users and well owners versus Ringel.
- 7) Edwards Greenhouses versus The Terteling Company, Inc.
- 8) Idaho Power Company versus group of Pahsimeroi Valley water users and well owners.
- 9) Carlock, McKenzie, and Redmon versus Mooers - Squaw Creek Idaho.
- 10) The Terteling Company versus the City of Boise.
- 11) City of Caldwell versus United Water Idaho, Inc.

- 12) City of Meridian versus United Water Idaho, Inc.
- 13) The Terteling Company, Inc. versus United Water Idaho, Inc.
- 14) Tamarack Resort versus Henry's North Forty, LLC.
- 15) Thompson versus George Bryant Drilling.
- 16) Micron Technology, Inc. versus United Water Idaho, Inc.
- 17) Jardine versus Inland Crane
- 18) Brenegar versus City of Meridian.
- 19) Double Anchor Ranches versus Casa del Norte
- 20) United Water Idaho, Inc. versus Idaho Department of Corrections
- 21) McNabb versus United Water Idaho, Inc.
- 22) General Water Works Corporation versus Intel, Corporation.
- 23) Idaho Public Utilities Commission versus Mesa Water Company.
- 24) Duspiva versus Filmore Supreme Court case over well drilling procedures.

EMPLOYMENT

- 1999-present Founder, President ,and Managing Hydrogeologist; Hydro Logic, Inc.
- 1995-present Adjunct graduate faculty; Boise State University Department of Geosciences.
- 1994-1999 Sr. Hydrogeologist (RPG) United Water Idaho, Inc.; Geosciences Department Head.
- 1992-1994 Consulting Hydrogeologist. S.H. Wood and Associates, Boise, Idaho.
- 1990-1993 Staff Technician; Geophysical Well-logging Unit, Boise State University.
- 1989 summer Idaho Geological Survey; Idaho Initiative. Albion Range field-mapping.
- 1989 Internship; Boise Water Corp.; Digital Data Acquisition for Groundwater Studies.
- 1988 summer White/Naslund National Science Foundation Research Expedition to Kangerslugsuaag region of arctic East Greenland. Team member in charge of field mapping.
- 1987 summer Research assistant at BSU on hydrogeological studies. Design, construction, and operation of Boise State University's truck-mounted geophysical well-logging unit. Thin-section and X-ray diffraction laboratory manager.

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August 12, 2014

RECEIVED
AUG 12 2014
DEPARTMENT OF
WATER RESOURCES

Tim Luke
Rob Whitney
Compliance Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Water District 61E Complaint

Dear Messrs Luke and Whitney:

As you are aware, this law firm represents the interests of Double Anchor Ranches, Inc. ("Double Anchor"), 5714 W. Double Anchor Drive, Glenns Ferry, ID 83623. Double Anchor owns and farms land in the Cold Springs Creek drainage basin that is organized under Idaho law as State Water District 61E. I am writing on behalf of my client to complain about the irrigation and water diversion practices of their upstream neighbor - Casa Del Norte, LP ("CDN"), operated by John and Theresa McCallum. These practices have injured my client's Cold Springs Creek water rights for many years, and continue to injure those rights during the current irrigation season as described in detail below.

I. Background

Double Anchor was relieved to receive a copy of CDN's June 30, 2014 letter to IDWR withdrawing its pending water right transfer application no. 78272, requesting strict Watermaster enforcement of the delivery of water rights from Cold Springs Creek, and offering its cooperation with IDWR to ensure proper distribution of water rights in priority. Double Anchor similarly requests strict control of the water rights in Water District 61E, together with immediate and ongoing accurate measurement of all diversions to ensure strict and accurate water administration and enforcement. Also needed is the immediate collection and analysis of stream flow and ground water pumping data to establish and support the existence and timing of the "futile" call regularly asserted against Double Anchor each year by CDN.

My client does not agree with the assertion in CDN's transfer withdrawal letter that "Double Anchor cannot determine any impact" that the transfer might have on its rights. Double

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Errata - between page 1 and page 2

Anchor is well aware of impacts to its water rights from the proposed transfer application, but

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given the past and current diversion and irrigation practices by CDN - many of which are discussed below, and given the almost complete lack of monitoring, it is impossible to determine the "status quo" of the existing water rights diversions by CDN on Cold Springs Creek and thus impossible to determine the precise full impacts of the proposed transfer. It appears to us that CDN's transfer application was an attempt to legitimize a series of CDN's long-standing illegal diversions that Double Anchor wants terminated. Nonetheless, given the apparent attitude of cooperation expressed in CDN's withdrawal letter, my client is hopeful that the parties and IDWR will be able to work together toward a comprehensive understanding of the basin such that all water rights may be properly administered. Regardless, no new transfer application that might be filed by CDN should be considered by IDWR until the issues discussed in this complaint are resolved.

II. Overview

Double Anchor is located downstream of CDN on Cold Springs Creek in Elmore County (please see Exhibit A). Double Anchor Ranches owns water rights that in total authorize the diversion of 18.36 cfs from Cold Springs Creek (please see Exhibit B). Those of immediate concern to Double Anchor are water right numbers 61-323 and 61-10349 that together authorize the diversion of 2.26 cfs from Cold Springs Creek. These two water rights have priority dates of 5/1/1872 and 5/1/1873 respectively. In priority on Cold Springs Creek, they are junior only to CDN's water right numbers 61-11906 (1.54 cfs for stockwater purposes - priority date of 5/18/1870) and 61-228 (1.84 cfs for irrigation purposes - priority date of 6/30/1870). These two water rights are the minimum lifblood of Double Anchor's multi generation family farming and ranching operations.

Over the past seven years or so, my client has rarely received its early priority water rights after June 1, even though it had regularly received such water rights prior to the McCallums' taking over the irrigation of the property. During the current year (2014), with more Watermaster oversight Double Anchor received a portion of its first two priority water rights through almost the entire month of June, even though it was a relatively poor snow year (please see Exhibit C). Double Anchor desires to continue to receive these extremely important water rights under the prior appropriation system in the future.

III. Offending Diversion and Irrigation Practices

Double Anchor retained Hydro Logic, Inc. ("HLI") to assist it in understanding and analyzing CDN's transfer application no. 78272 (now withdrawn, as discussed above). Over the period of time HLI has worked with Double Anchor it has collected substantial quantities of data including photographs, stream flow data, and observations of diversions and practices on both the CDN and Double Anchor properties. The discussion herein is based upon those data and upon the analyses of that data by HLI. Thus to help it receive its early priority water rights,

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Double Anchor brings to IDWR's attention the following documented concerns it has with CDN's diversion and irrigation practices:

1. Irrigation of areas without water rights. Please refer to the enclosed preliminary¹ map showing the diversion system on the CDN ranch - Exhibit A. There are approximately 200 acres of CDN lands that have previously been irrigated without any appurtenant water rights whatsoever. CDN's irrigation of these lands has deprived Double Anchor and other Cold Springs Creek water right holders of their valuable property rights, and has resulted in damage to their property values and livelihoods.

Double Anchor understands that during some irrigation seasons, including the 2014 irrigation season, CDN has rented groundwater through the Idaho Water Resources Board's Water Supply Bank to irrigate at least a portion of these lands. However, as discussed below, HLI's available data show the diversion of ground water from the CDN wells in Cold Springs Creek drainage basin impacts and depletes the flows of Cold Springs Creek such that ground water rights should be administered in priority with surface water rights. The withdrawal of additional ground water from this basin through the introduction of rented ground water rights increases the impacts and depletions of the flows of Cold Springs Creek, and should be immediately curtailed and not considered again in the future.

A. Sections 8 and 17, T4S R9E. A large pivot sprinkler ("Ryegrass Pivot") covers much of the southern half of Section 8 and the northernmost portion of Section 17. Much of Ryegrass Pivot is covered by water right no. 61-301B - a geothermal groundwater right diverted from a well (the "Walker" well) located in the NE¼ of Section 8 (see Exhibits A and D). Water right 61-301B also authorizes irrigation of lands north of Ryegrass Pivot in this area running generally north and east from the area covered by Ryegrass Pivot towards the location of the geothermal well. However, approximately 56 acres in the western portion of the area covered by Ryegrass Pivot are not authorized to be irrigated pursuant to *any* water right according to IDWR's water right database (although these lands are covered this year by a Water Supply Bank Rental Agreement as discussed further below). This despite the fact that these acres are currently being irrigated and have been irrigated by CDN in the past. (Please see Exhibit D, showing irrigation of the area during the years of 2009 and 2011).

Additionally, the "Walker" geothermal well that is the point of diversion for

¹ This map is a compilation from three site visits to the CDN ranch by Ed Squires. The CDN diversion and distribution system is complex - commingling surface water, cold ground water, and geothermal ground water pursuant to 24 separate water rights. As such, this map represents the current level of understanding of the CDN water system but is probably incomplete.

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water right no. 61-301B has not been used for that purpose this year according to regular observations from site visits by HLI scientists who have regularly photographed the diversion works leading from the well and the associated storage reservoir (See Exhibit E). Photos from 2014 establish that the Walker geothermal well has not been used during the 2014 irrigation season both because the configuration of the well head and pipes did not change from March 13 to July 30; and because no pumping plant is available to divert water when the artesian pressure of the well dropped below ground level later in the irrigation season. HLI hydrologists have also established that the temperature of the runoff from the offending acres irrigated by the pivot sprinkler is 68.5 degrees F, far too cold for water that would have been originally diverted from the "Walker" geothermal well - which produces ground water that is too hot for direct irrigation use without cooling. Thus, we conclude that cold water is either being pumped from Cold Springs Creek, from the commingled CDN surface water reservoirs, from one of CDN's cold groundwater wells, or from all of the above. In any case, the Ryegrass Pivot area is being irrigated with water that would otherwise remain in the Cold Springs Creek drainage, be available to fill Double Anchor's senior water rights, and keep the Cold Springs Creek bed wetted against a premature futile call declaration caused by CDN's illegal practices. Currently, it is not possible to separate the water sources from which this irrigation demand is being supplied; thus monitoring of these separate sources is required. Not only are such diversions damaging to Double Anchor, monitoring by HLI suggests that the groundwater pumping from CDN cold water wells depletes the stream flows in Cold Springs Creek as will be explained later in this correspondence. (See Exhibit C.)

The entirety of the area under the Ryegrass Pivot sprinkler is that for which CDN and IDWR entered into a Water Supply Bank Rental Agreement on April 17, 2014 for the rental of irrigation water for a period of four years. One of the conditions under which the rental agreement was entered into is condition No. 11: "The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement." Yet, CDN cannot legitimately assert it is pursuing a permanent water right for this area as it withdrew its transfer application seeking to extend its surface water rights and cold groundwater rights for the irrigation of this area. Accordingly, the Water Bank Rental Agreement should be considered breached, should be rescinded by IDWR, and groundwater pumping under this Agreement should be immediately curtailed.

B. NW ¼ of Section 21, T4S R9E. There is a ¼-mile diameter pivoting sprinkler covering almost the entirety of the NW¼ of Section 21 - a total of approximately 128 acres. This pivot has no water right appurtenant to it according to IDWR's database, and it was not historically irrigated according to Double Anchor. Historical aerial photography establishes the past illegal irrigation of this acreage. (See Exhibit D). Double Anchor has previously complained to IDWR about this illegal diversion without a satisfactory response. (See Exhibit F).

C. NESW $\frac{1}{4}$ of Section 9, T4S R9E. The most northwesterly corner (approximately 14 acres) of a large irrigation pivot covering portions of Sections 9 and 18 has no water rights appurtenant to it according to the IDWR database. Again, this area has been previously irrigated by CDN. (See Exhibit D).

D. S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 16, T4S R9E. A pivot covering 47 acres has been installed in this area within the past two years or so. (See Exhibit P) The problem with this pivot is two-fold: (1) there has been no irrigation in this area since at least 1998 (see Exhibits D, P), raising the potential of forfeiture of any existing water rights, and (2) the ground water rights that are appurtenant to this area (61-2199A, 61-11887A and 61-301A) permit the maximum of irrigation within these two $\frac{1}{4}$ sections of 16.2 acres - far below that which is now irrigated. Obviously, the irrigation of most of the acreage under this pivot is illegal and should be curtailed.

2. Out of season diversions. On February 14, 2014, Kelly Riggs accompanied Watermaster Rich Neal to the CDN main diversion on Cold Springs Creek. They observed that CDN's upper main diversion on the west side of Cold Springs Creek was full and overflowing - diverting Cold Springs Creek water prior to the beginning of the irrigation season. Indeed, Mr. Riggs and Mr. Neal found that two large diversions from Cold Springs Creek owned by CDN were washed out and overflowing; not to the natural Cold Springs Creek bed, but instead onto the rocky flat north of CDN's Elk Pen and east of Cold Springs Creek. (See Exhibit G). These unauthorized diversion from Cold Springs Creek served to deplete the natural creek bed that conveys Cold Springs Creek waters to Double Anchor and other downstream water users because they reduce and foreshorten the natural spring run-off wetting of the Cold Springs Creek bed and the underlying floodplain gravel. Neal and Riggs estimated that 6 cfs (2,700 gpm) was being diverted through the Elk Pen/4-Mile Ditch weir with another 1 cfs (450 gpm) bypassing (escaping) the Elk Pen/4-Mile Ditch weir onto CDN lands. (See Exhibit G). Similarly, CDN's 4-Mile Ditch was full and flowing to CDN's upper Ryegrass Creek reservoir out-of-season with no livestock observed in that area. Although there is no way to determine how long these illegal diversions had been taking place, Double Anchor believes the diversions may have occurred all winter. Mr. Riggs and Mr. Neal also observed that the CDN main storage reservoir was $\frac{3}{4}$ full and its lower Pivot 4 Reservoir was completely full even though the irrigation season had not yet commenced. (See Exhibit H).

Although CDN owns a stockwater right authorizing the diversion of water into the Elk Pen Ditch and the 4-Mile Ditch, these ditches were full to the banks and overflowing onto CDN lands - far beyond what would be necessary for a few elk (the only stock observed in the area at the time). HLI has observed that less than 30 gallons per minute is necessary to wet either of these ditches from their points of diversion to the Elk Pen and upper Ryegrass Creek reservoir in late summer - more than adequate for stockwatering purposes. Certainly it is not necessary for either ditch to be bank-full or above in February (or indeed in any other month of the year).

In addition to being illegal, these out-of-season diversions prevent the creek bed from being wetted and interferes with the natural flow of Cold Springs Creek downstream to Double Anchor and other senior water right holders, both in the short-term and in the long-term.

3. Diversions to Ryegrass Creek Drainage

A. Stockwater Diversions - no stock. CDN owns stockwater right no. 61-11906 authorizing diversions of water from Cold Springs Creek to virtually every location on its ranch, including areas in the neighboring Ryegrass Creek drainage. The so-called "4-Mile Ditch" diverts water to this drainage - as discussed above, Mr. Neal and Mr. Riggs observed that this ditch was overflowing its weir on February 14, 2014. (See Exhibit G). On March 13, 2014, Ed Squires of HLI took photos of the ditch running from Cold Springs Creek to the Ryegrass Creek drainage. (See Exhibit I). The only right authorized to be diverted through this ditch is stock water right no. 61-11906. Despite diversion of the water at this time, no stock were observed in the area. That the large volume of flow observed and documented by Mr. Neal and Mr. Riggs on February 14, 2014 was transported all the way to the CDN upper storage reservoir in the Ryegrass Creek drainage is evidenced by the washed-out diversion structure at that reservoir, a photograph of which was also taken by Mr. Squires. (See Exhibit J).

B. Diversions to Storage. On March 13, 2014, Ed Squires of HLI also took photos of the upper reservoirs on the CDN property in the Ryegrass Creek drainage into which the aforementioned 4-Mile Ditch from Cold Springs Creek was running. (See Exhibit K). As can be seen in the photos, the reservoir was brim full on March 13, 2014, but progressively less full from steady evaporation as the year progressed. Photographs of the adjacent Walker geothermal ground water well were also taken over the same time frame, but judging from the well head conditions observed, there have been no apparent diversions from the Walker geothermal well. (See Exhibit E). Moreover, the Walker geothermal well's above ground artesian head (flowing well without an installed pumping plant) appears to go away later in the irrigation season, thereby precluding its use for irrigation. Regardless, to our knowledge, there are no water rights authorizing any storage in this area at all.

C. These diversions of Cold Springs Creek to the Ryegrass Creek drainage not only remove the primary surface water source from the Cold Springs Creek drainage (thereby preventing Double Anchor from diverting its in-priority water rights), but also further deprive the Cold Springs Creek drainage of return flows and infiltration of non-consumptively used water that would otherwise add to stream flows lower on the creek later in the season.

4. Inadequate Monitoring of Commingled Sources. Water from cold water wells, Cold Springs Creek and geothermal wells are all diverted into CDN's main diversion pond. Water

from the various sources is commingled in the diversion pond and then pumped to various locations on the ranch. Other than the Elk Pen flow-meter (discussed below), no measurements are made of water diverted into the pond, nor are any measurements taken of water diverted out of the pond. Because the various sources are commingled, and because CDN's uses of the different sources on various places of use do make a difference to downstream water users in receiving their water rights, each of the commingled sources, including ground water, must be measured. Indeed, Double Anchor and HLI believe the hydrologic monitoring of Cold Springs Creek establishes that ground water pumping by CDN depletes surface water flows in Cold Springs Creek, further underscoring the need to monitor the timing, diversion rates and pumped volume of CDN's wells.

5. Inaccurate Electronic Flow-meter. On March 13, 2014, Ed Squires of HLI estimated the flow through the CDN main diversion from Cold Springs Creek at the point of the CDN "bubbler" facility (see Exhibit L) at 3 cfs (1360 gpm) using a standard Bureau of Reclamation equation to derive flow from a vertical pipe. The calculations and measurements are attached as Exhibit M. On the same day, approximately 15 minutes later, Mr. Squires observed that CDN's Elk Pen electronic flowmeter was measuring the water flow through the same diversion pipe at 702 gallons per minute, or very close to half the flow measured at the bubbler. The Watermaster has made similar measurements with the same observations of the flow-meter showing approximately one-half the observed flow through the bubbler. On Mr. Squires' two other site visits, he observed that the flow-meter was not properly working; he questions the type suitability, location and viability of the installed flow meter for the intended purpose. A second flow-meter installed near CDN's "Pivot 4" diversion has not been in working condition on any site visits by HLI, Kelly Riggs and/or the Watermaster. (See Exhibit N)

IV. Discussion and Analysis

1. CDN's Illegal Practices and Unauthorized Diversions

CDN's unauthorized diversions and illegal irrigation practices must be curtailed to allow for proper administration of senior water rights of downstream users. CDN's current practices deprive Double Anchor and other downstream users of water to which they are entitled, and contribute to an artificially early futile call that has been asserted against Double Anchor both in the past and during this 2014 irrigation season. It is the duty of the Department of Water Resources to ensure distribution of water in water districts in accordance with the prior appropriation doctrine. I.C. §42-602. CDN's current practices and diversions have been and are in direct conflict with the prior appropriation doctrine. Accordingly, it is the duty of the Department of Water Resources and the District 61E Watermaster to ensure that CDN's illegal and improper practices and diversions no longer occur.

Illegal out-of-season diversions, illegal out-of-drainage-basin diversions, illegal irrigation of lands, unaccounted for commingling of water sources and uses, dysfunctional diversion works, and inaccurate monitoring individually and in combination serve to create an artificial

and premature "futile call" situation on Cold Springs Creek that deprives downstream water users of their in-priority water rights.

2. Observation/Monitoring of Stream Flows

Double Anchor commissioned HLI to monitor Cold Springs Creek during part of the 2014 irrigation season and to analyze the information obtained. The locations of the HLI monitoring points on Cold Springs Creek are shown on the map (Exhibit A) as "BLM Open Creek" - above the CDN property before any diversions from the creek occur; "Ross Rd. Culvert" - underneath Ross Road, a public right of way cutting across the CDN property at approximately the midpoint of the length that Cold Springs Creek traverses the CDN ranch; and "Riggs' Diversion and Weir" - the Double Anchor diversion point below the CDN property. The data obtained from these monitoring points, along with temperature data have been graphed on Exhibit C.

A. Double Anchor's Two Earliest Priority Cold Springs Creek Water Rights Can be Filled Well into the Irrigation Season

The data establish that water was available to fill at least some portion of Double Anchor's two early priority water rights at its weir throughout the monitoring period - even when flows of Cold Springs Creek above the CDN diversion dropped below 5 cfs - and even when flows at the Ross Road Culvert had been prematurely and artificially dried up by CDN as of May 29.

B. CDN Pumping Affects Cold Springs Creek Stream Flows

The stream flow data from the Ross Road culvert shows a marked change from a previous flow pattern starting on May 22. (See Exhibit C). Prior to that date, CDN was diverting at least its senior priority Cold Springs Creek water right no. 61-228 and Double Anchor was able to divert its first two priority rights approximately one-half of the time on a daily basis² up to May 22. Thus Double Anchor was not receiving its full complement of in-priority water rights while CDN was receiving its first priority right (and perhaps more). Beginning on May 22, stream flows at the Ross Road culvert, which had previously been in lockstep with the stream flows above the CDN diversions, began to fluctuate in a radically different pattern due to additional ground water pumping diversions by CDN. This daily pumping cycle resulted in the complete depletion of the Cold Springs Creek stream flows at the Ross Road culvert, and an immediate significant decrease in water available to Double Anchor. HLI interprets the radical change in daily fluctuation of Cold Springs Creek flows as drawdowns (induced recharge) from pumping

² HLI's monitoring clearly shows a daily fluctuation in Cold Springs Creek flows that is related to evapotranspiration and uptake of water into trees in the forest of the upper creek. This is an important observation because the Water Master should set the diversions to allow for the various water right amounts to be delivered at the low flow of the daily variation.

of CDN's ground water wells; showing a direct hydraulic continuity between ground water and surface water in Cold Springs Creek. According to HLI, this interconnection can be explained by the local sub-surface geology in the area. HLI further contends that the hypothesized hydraulic interconnection would be an easy circumstance to confirm by inexpensive testing and sampling using existing installed pumping plants and stream monitoring instruments.

In summary, the wide fluctuations in Cold Springs Creek measured at the Ross Road Culvert are due to either pumping from Cold Springs Creek itself, or from groundwater that is in hydraulic continuity to Cold Springs Creek. Regardless of the source from which the water is pumped, the fact is that the pumping reduced the flows to Double Anchor's weir³, thereby depriving Double Anchor of the water to which it was entitled pursuant to its water rights.

The need to separate and account for the various water sources diverted by CDN, in and of itself, is enough to warrant monitoring of water levels, pumping rates, and pumped volume from CDN's ground water wells. The strong evidence that ground water pumping directly affects the flow of Cold Springs Creek underscores this need.

Finally, any ground water production under State Water Supply Bank rental agreements from wells in the Cold Springs Creek drainage should be curtailed immediately as discussed above. If IDWR will not curtail IWSB rental agreements for the remainder of the 2014 irrigation season, the diversions (wells) through which the rented water is withdrawn should be monitored beginning immediately with a totalizing and instantaneous flow-indicating flow-meter. The use of rented ground water in 2015 and beyond should not be permitted both because of the impacts and depletions it causes to Cold Springs Creek, and because CDN is not diligently pursuing an alternative water right as required by its Water Bank Rental Agreement - as discussed above. Even if the rented groundwater were not impacting and depleting Cold Springs Creek, and even if CDN were diligently pursuing an alternative water right, the particular groundwater right being rented this year has not been shown to be hydraulically connected to the groundwater underlying the Cold Springs Creek basin - thus the current production of rented groundwater should also be immediately curtailed for this reason as well.

3. Needed Study of Cold Springs Creek Drainage Basin
CDN has consistently asserted the existence of a futile call on Cold Springs Creek over

³ Recall that CDN was receiving its first priority stockwater right (despite the lack of stock sufficient to justify diversion of the entire right) and its first priority irrigation water right before the wide fluctuations in stream flow occurred, so the diversions were already out of priority with Double Anchor not receiving the entirety of its first two water rights.

the last seven years based solely on CDN's judgment of conditions that constitute a futile call even as CDN has contributed to the alleged futile call by way of its illegal diversion practices. The data collected from the drainage basin this spring and summer establishes that, at a bare minimum, the futile call occurred much later in this low-snowpack year than has been asserted against Double Anchor in the past. In fact, the 2014 data suggest that if: (1) Cold Springs Creek water is allowed to remain in its channel throughout the non-irrigation season; (2) water is not illegally diverted to lands outside of the drainage basin; and (3) the available water and diversions in/from Cold Springs Creek is accurately measured and administered in priority, downstream users (including Double Anchor) will enjoy much more water and a much longer irrigation season. Even this year, the Watermaster only recently (early to mid-July) determined that Double Anchor's call was futile. As discussed above, Double Anchor and HLI believe that this futile call was manipulated and premature because of illegal diversions by CDN both during and outside of the irrigation season. Given the importance of the determination of the futile call to Double Anchor and other downstream water right holders, and given the obvious impacts on Cold Springs Creek from CDN's unauthorized diversions and irrigation practices, it is essential to determine the circumstances and timing under which a futile call occurs using strictly controlled and monitored conditions - a determination that is not difficult.

To that end, IDWR and the District water right holders should engage in a cooperative study of the Cold Springs Creek drainage basin that includes the monitoring of all surface water flows and all surface water and ground water diversions beginning at the end of the 2014 irrigation season and extending to the end of the 2015 irrigation season. During this period, there must be strict Watermaster monitoring and control of Cold Springs Creek flows and all diversions in the basin for the remainder of this irrigation season, the non-irrigation season, and all of the 2015 irrigation season.

The current state of monitoring of stream flows on Cold Springs Creek is essentially non-existent making it very difficult to understand CDN's diversions and uses of water. The current state of monitoring water diversions from the Cold Springs Creek drainage basin is mostly inadequate for quantitative analysis and proper administration. For these reasons, significant changes to the diversion structures and monitoring stations is needed prior to the end of the current irrigation season. The minimum necessary equipment and infrastructure include the following:

A. Watermaster Controls.

- a. All Cold Springs Creek diversions must be lockable with a Watermaster-controlled key or combination.
- b. All diversions on Cold Springs Creek must be locked out and checked to insure that they are locked out during the non-irrigation season.

c. Only the Watermaster should be capable of unlocking diversions in priority beginning with the first diversion in the spring.

B. Water User Facilities.

a. A weir or flume or combination capable of measuring and recording the Cold Springs Creek stream flows above any CDN diversions.

b. A staff gage and brace of digital data-loggers for measuring flow in a vertical pipe at the CDN "bubbler" on Cold Springs Creek.

c. A weir or flume incorporated into CDN's upper Cold Springs Creek diversion with the capability to measure and record diversions separate from the existing CDN Elk Pen flow-meter (which should be replaced with a suitable measuring device in any case).

d. A reconstructed weir with a calibrated staff gage and ability to record water levels at the Double Anchor upper diversion weir.

e. Designated 1¼ -inch diameter water level monitoring tubes in all ground water irrigation wells with pressure gages for the above ground piezometric head of the geothermal irrigation wells.

f. Digital water level measuring and recording instruments on all CDN irrigation wells.

g. Totalizing and instantaneous discharge flow-meters on all CDN irrigation wells (geothermal and cold water).

h. A weir or flume should be incorporated into the Ross Road culvert location and equipped with a continuous monitoring device.

i. The many water-spreading channels (see Exhibit O) constructed in the Cold Springs Creek bed on CDN lands must be closed off and a defined channel restored. Water-spreading channels can not be re-constructed in the stream bed after the spring run-off and flooding in 2015 restores the stream to a defined channel.

j. The uncontrolled CDN concrete diversion structure on Cold Springs Creek in the NE ¼, NW ¼, Section 10 should be equipped with a lockable gate.

Tim Luke
Rob Whitney
August 12, 2014
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V. Summary

Despite its many illegal diversions and practices, CDN has indicated its willingness to cooperate with IDWR in achieving proper distribution of water rights in the Cold Springs Creek drainage basin. With this assurance, and with the help of IDWR and the Watermaster, Double Anchor is hopeful that physical and administrative structures can be put in place that, together with proper monitoring, data collection and analysis, will result in a more complete understanding of the condition and behavior of the Cold Springs Creek drainage basin. Such an understanding will assist the agency, the Watermaster and all water right holders in the basin to work towards the fair and proper distribution of water rights therein.

My client remains ready and willing to cooperate with IDWR and the Watermaster in these endeavours. Please contact me for further discussion of this matter. We look forward to IDWR's response. Thank you.

Sincerely,



Charles L. Honsinger

cc: John Westra
Rich Neal
Bruce Smith
Double Anchor Ranches
Hydro Logic, Inc.
Water District 61E members

**Preliminary Map of the Water Diversion System on Casa Del Norte Ranch,
HLI's Stream Flow Measurement Points on Cold Springs Creek, and Water
Right Place of Use Map for Casa Del Norte's 24 Water Rights and Priorities**

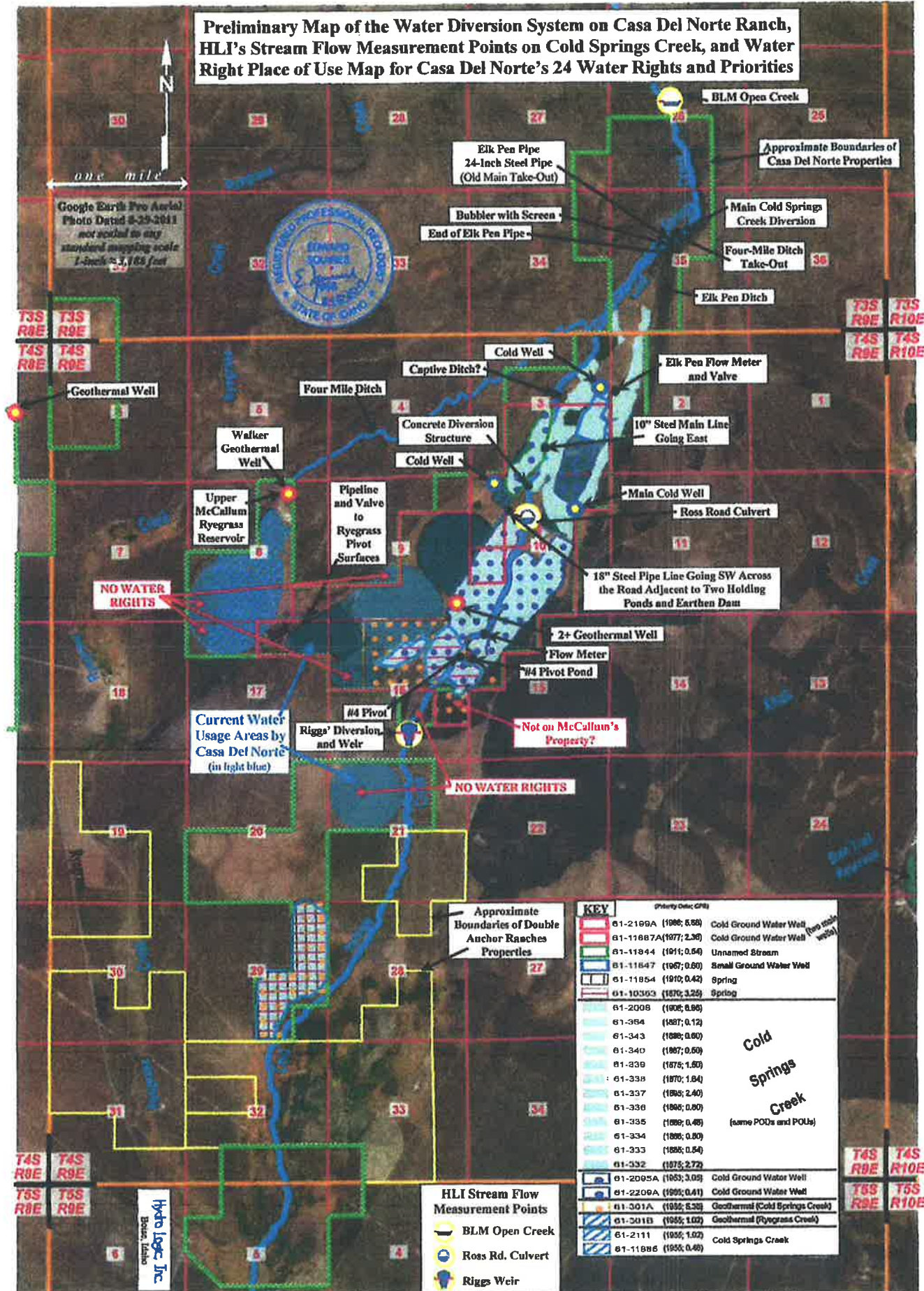


Exhibit A.

Exhibit A. Draft map showing Double Anchor Ranches' (DA) current level of understanding of the Casa Del Norte (CDN) water diversion and distribution system based on three allowed site visits for Ed Squires by John McCallum. Also shown are 1) the mapped CDN water rights places of use and priorities, 2) the approximate property boundaries of CDN and DA, 3) DA's three stream flow monitoring stations on Cold Springs Creek, and 4) CDN irrigated acreages without appurtenant water rights. The CDN water diversion and distribution system is complex and additional understanding is needed to complete this map. Further complicating the situation is the almost complete lack of monitoring infrastructure for the commingled surface water, cold ground water, and geothermal water rights and the ability to track where each source is being used.

Exhibit A.

Exhibit B. - Surface Water Rights and Ground Water Rights on Cold Springs Creek

Water Right No.	Priority Date	Div. Rate		Cum. Tot.	Water Use	Owner	Comments
		cfs	gpm	cfs			
61-11906	5/18/1870	1.54	691	1.54	stk.	CHARTER MOUNTAIN RANCH INC	Stock watering - 365-day use if stock present
61-338	6/30/1870	1.84	826	3	irr.	CHARTER MOUNTAIN RANCH INC	
61-323	5/1/1872	1.00	449	4.38	irr.	DOUBLE ANCHOR RANCHES INC	
61-10349	5/1/1873	1.26	565	5.64	irr.	DOUBLE ANCHOR RANCHES INC	
61-339	5/1/1875	1.50	673	7.14	irr.	CHARTER MOUNTAIN RANCH INC	
61-332	5/18/1875	2.72	1,221	9.86	irr.	CHARTER MOUNTAIN RANCH INC	Source is Cold Springs Creek and Spring
61-318	5/1/1877	0.50	224	10.36	irr.	HALF MOON RANCH	
61-328	5/1/1877	1.40	628	11.76	irr.	ARK PROPERTIES LLC	Below Riggs on Cold Springs Creek
61-319	5/1/1878	0.80	359	12.56	irr.	HALF MOON RANCH	
61-326	5/1/1878	1.00	449	13.56	irr.	DOUBLE ANCHOR RANCHES INC	
61-327	5/1/1879	2.50	1,122	16.06	irr.	DOUBLE ANCHOR RANCHES INC	
61-345	6/30/1879	0.50	224	16.56	irr.	MULE SHOE LLC	
61-317	5/1/1880	1.36	610	17.92	irr.	BARBER CAVEN RANCHES	
61-320	5/1/1881	0.70	314	18.62	irr.	HALF MOON RANCH	
61-321	5/1/1883	0.90	404	19.52	irr.	HALF MOON RANCH	
61-309	6/1/1883	0.58	260	20.10	irr.	ARK PROPERTIES LLC	Below Riggs on Cold Springs Creek
61-330	5/1/1884	0.36	162	20.46	irr.	DOUBLE ANCHOR RANCHES INC	
61-347	5/1/1884	3.20	1,436	23.66	irr.	MULE SHOE LLC	
61-333	5/1/1885	0.54	242	24.20	irr.	CHARTER MOUNTAIN RANCH INC	
61-346	5/1/1885	0.70	314	24.90	irr.	BARBER CAVEN RANCHES	
61-331	5/1/1886	1.00	449	25.90	irr.	DOUBLE ANCHOR RANCHES INC	
61-334	5/1/1886	0.50	224	26.40	irr.	CHARTER MOUNTAIN RANCH INC	
61-364	5/1/1887	0.12	54	26.52	irr.	CHARTER MOUNTAIN RANCH INC	
61-341	5/7/1887	1.22	548	27.74	irr.	BLACKWELL, SAMUEL D	
61-340	6/30/1887	0.50	224	28.24	irr.	CHARTER MOUNTAIN RANCH INC	
61-342	6/30/1887	1.18	530	29.42	irr.	BLACKWELL, SAMUEL D	
61-343	6/30/1888	0.60	269	30.02	irr.	CHARTER MOUNTAIN RANCH INC	
61-335	5/1/1889	0.48	215	30.50	irr.	CHARTER MOUNTAIN RANCH INC	
61-336	5/1/1895	0.80	359	31.30	irr.	CHARTER MOUNTAIN RANCH INC	
61-337	12/1/1895	2.40	1,077	33.70	irr.	CHARTER MOUNTAIN RANCH INC	
61-2008	02/26/1908	6.96	3,124	40.66	irr.	CHARTER MOUNTAIN RANCH INC	Also stock water
61-2007	02/29/1908	2.10	942	42.76	irr.	MULE SHOE LLC	
61-2038	07/10/1913	1.20	539	43.96	irr.	DOUBLE ANCHOR RANCHES INC	
61-2048	07/16/1916	0.40	180	44.36	irr.	BARBER CAVEN RANCHES	
61-2052	12/19/1917	0.64	287	45.00	irr.	MULE SHOE LLC	
61-11899	03/15/1920	3.18	1,427	48.18	irr.	HALF MOON RANCH	
61-2064	06/14/1922	1.28	574	49.46	irr.	NEUER, OTTO	
61-12236	06/14/1922	0.44	197	49.90	irr.	HUNT, JOANN	
61-12237	06/14/1922	0.46	206	50.36	irr.	DENNY, SUSAN	
61-12238	06/14/1922	0.38	171	50.74	irr.	NEUER, EDUARD	
61-10718	02/01/1931	0.02	9	50.76	stk.	WILBUR F WILSON RANCH	
61-11502	06/28/1934	0.02	9	50.78	stk.	UNITED STATES OF AMERICA	
61-11503	06/28/1934	0.02	9	50.80	stk.	UNITED STATES OF AMERICA	
61-11507	06/28/1934	0.02	9	50.82	stk.	UNITED STATES OF AMERICA	
61-11552	06/28/1934	0.02	9	50.84	stk.	UNITED STATES OF AMERICA	
61-10299	03/15/1943	6.73	3,020	57.57	irr.	BLACKWELL, SAMUEL D	
61-2031	05/20/1952	2.02	907	59.59	irr.	BEAN, ANNABETH N	
61-2100	09/21/1953	5.42	2,432	65.01	irr.	CHARTER MOUNTAIN RANCH INC	Also domestic water
61-2111	07/05/1955	1.02	458	66.03	irr.	CHARTER MOUNTAIN RANCH INC	
61-11885	07/05/1955	0.48	215	66.51	irr.	CHARTER MOUNTAIN RANCH INC	
61-11904	07/05/1955	0.72	323	67.23	stk.	CHARTER MOUNTAIN RANCH INC	
61-2338	07/03/1957	1.51	678	68.74	irr.	WILBUR F WILSON RANCH	
61-4147	03/15/1971	10.00	4,488	78.74	irr.	DOUBLE ANCHOR RANCHES INC	
61-7200	10/01/1974	0.76	341	79.50	irr.	ELLIS LIVING TRUST	
61-7763	11/15/1999	0.22	99	79.72	stk.	CHARTER MOUNTAIN RANCH INC	
61-7764	03/03/2000	4.21	1,889	83.93	irr.	ARK PROPERTIES LLC	Also stock water
61-12209	11/28/2008	2.01	902	85.94	irr.	ARK PROPERTIES LLC	

Hydro Logic, Inc.

Ground Water Rights in T. 3 S. R. 9 E. All Sections

NO GROUND WATER RIGHTS IN T3S R9E Sec. 1-36

Ground Water Rights in T. 4 S. R. 9 E. All Sections

Water Right No.	Priority Date	Div. Rate		Cum. Tot. cfs	Water Use	Owner	Comments
		cfs	gpm				
61-2095A	03/07/1953	3.05	1,369	3.05	irr.	CHARTER MOUNTAIN RANCH INC	
61-2095B	03/07/1953	0.06	27	3	irr.	UNITED STATES OF AMERICA	
61-11905	03/07/1953	0.24	108	3.35	stk.	CHARTER MOUNTAIN RANCH INC	
61-2095A	03/07/1953	3.05	1,369	6.40	irr.	CASA DEL NORTE LP	
61-301A	06/10/1955	5.38	2,415	11.78	irr.	CHARTER MOUNTAIN RANCH INC	
61-301B	06/10/1955	1.02	458	12.80	irr.	CHARTER MOUNTAIN RANCH INC	
61-11908	06/10/1955	1.09	489	13.89	stk.	CHARTER MOUNTAIN RANCH INC	
61-11909	06/10/1955	0.24	108	14.13	stk.	CHARTER MOUNTAIN RANCH INC	
61-301A	06/10/1955	5.38	2,415	19.51	irr.	CASA DEL NORTE LP	
61-301B	06/10/1955	1.02	458	20.53	irr.	CASA DEL NORTE LP	
61-11847	03/15/1957	0.60	269	21.13	irr.	CHARTER MOUNTAIN RANCH INC	
61-11907	03/15/1957	0.24	108	21.37	stk.	CHARTER MOUNTAIN RANCH INC	
61-11847	03/15/1957	0.60	269	21.97	irr.	CASA DEL NORTE LP	
61-2121	06/04/1959	0.58	260	22.55	irr.	BEAN, ANNABETH N	Also domestic water
61-10375	01/01/1960	0.06	27	22.61	dom.	CHARTER MOUNTAIN RANCH INC	
61-10300	04/16/1960	0.09	40	22.70	stk.	BLACKWELL, FRANCES E; BLACKWELL, SAMUEL D	
61-2199A	07/19/1966	5.88	2,639	28.58	irr.	CHARTER MOUNTAIN RANCH INC	
61-2199B	07/19/1966	0.12	54	28.70	irr.	UNITED STATES OF AMERICA	
61-2199A	07/19/1966	5.88	2,639	34.58	irr.	CASA DEL NORTE LP	
61-2209A	09/12/1966	0.41	184	34.99	irr.	CHARTER MOUNTAIN RANCH INC	
61-2209B	09/12/1966	0.01	4	35.00	irr.	UNITED STATES OF AMERICA	
61-2209A	09/12/1966	0.41	184	35.41	irr.	CASA DEL NORTE LP	
61-11887A	03/15/1977	2.36	1,059	37.77	irr.	CHARTER MOUNTAIN RANCH INC	
61-11887B	03/15/1977	0.05	22	37.82	irr.	UNITED STATES OF AMERICA	
61-11887A	03/15/1977	2.36	1,059	40.18	irr.	CASA DEL NORTE LP	
61-7725	01/13/1997	1.73	776	41.91	irr.	CHARTER MOUNTAIN RANCH INC	
61-7765	11/15/1999	6.00	2,693	47.91	irr.	CHARTER MOUNTAIN RANCH INC	Also fish water
61-12210	11/28/2008	3.00	1,346	50.91	irr.	ARK PROPERTIES LLC	

Ground Water Rights in T. 5 S. R. 9 E. Sections 1-6

Water Right No.	Priority Date	Div. Rate		Cum. Tot. cfs	Water Use	Owner	Comments
		cfs	gpm				
61-2257	07/28/1941	-	-	-	stk.	UNITED STATES OF AMERICA	
61-10576	12/31/1942	0.09	40	0.09	stk.	STEPHENS & SONS	Also domestic water
61-12210	11/28/2008	3.00	1,346	3.09	irr.	ARK PROPERTIES LLC	

Hydro Logic, Inc

All Other Water Rights in T. 3 S. R. 9 E. Sections 25-36

61-11566	04/17/1926	0.02	9	0.02	stk.	UNITED STATES OF AMERICA	COYOTE SPRING
61-2284	01/24/1942	0.01	4	0.03	stk.	UNITED STATES OF AMERICA	COYOTE SPRING
61-11453	04/05/1920	0.02	9	0.05	stk.	UNITED STATES OF AMERICA	LONE TREE SPRING
61-7132	11/28/1972	0.01	4	0.06	stk.	UNITED STATES OF AMERICA	PRINCE ALBERT SPRING; Also wildlife water
61-11514	04/17/1926	0.02	9	0.08	stk.	UNITED STATES OF AMERICA	PRINCE ALBERT SPRING
61-11565	06/28/1934	0.02	9	0.10	stk.	UNITED STATES OF AMERICA	RYEGRASS CREEK
61-4029	04/01/1927	5.14	2,307	5.24	irr.	WALKER, MARGARET & WILLIAM	RYEGRASS CREEK; Also stock water
61-11508	04/17/1926	0.02	9	5.26	stk.	UNITED STATES OF AMERICA	SPRING
61-11511	04/17/1926	0.02	9	5.28	stk.	UNITED STATES OF AMERICA	SPRING
61-11506	06/30/1934	0.02	9	5.30	stk.	UNITED STATES OF AMERICA	SPRING
61-2277	01/24/1942	0.01	4	5.31	stk.	UNITED STATES OF AMERICA	SPRING
61-2302	05/05/1953	0.01	4	5.32	stk.	UNITED STATES OF AMERICA	SPRING
61-11569	04/17/1926	0.02	9	5.34	stk.	UNITED STATES OF AMERICA	SPRING
61-11559	04/17/1926	0.02	9	5.36	stk.	UNITED STATES OF AMERICA	SPRING
61-11562	04/17/1926	0.02	9	5.38	stk.	UNITED STATES OF AMERICA	SPRING
61-2269	01/24/1942	0.01	4	5.39	stk.	UNITED STATES OF AMERICA	SPRING
61-7657	01/28/1991	0.02	9	5.41	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM; Also wildlife water
61-11656	06/28/1934	0.02	9	5.43	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM
61-12288	03/04/1914	0.04	18	5.47	dom.	CASA DEL NORTE LP	UNNAMED STREAM
61-2319	05/05/1953	-	-	-	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM
61-2330	10/13/1958	-	-	-	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM

All Other Water Rights in T. 4 S. R. 9 E. All Sections

Water Right No.	Priority Date	Div. Rate		Cum. Tot. cfs	Water Use	Owner	Comments
		cfs	gpm				
61-11434	1/1/1876	0.02	9	0.02	stk.	UNITED STATES OF AMERICA	ALKALI CREEK
61-371B	5/2/1872	0.40	180	0.42	stk.	CASA DEL NORTE LP	LITTLE CANYON CREEK
61-4029	04/01/1927	5.14	2,307	5.56	irr.	WALKER, MARGARET & WILLIAM	RYEGRASS CREEK; Also stock water
61-11585	06/28/1934	0.02	9	5.58	stk.	UNITED STATES OF AMERICA	RYEGRASS CREEK
61-322	5/1/1871	0.08	36	5.66	irr.	DOUBLE ANCHOR RANCHES INC	SPRING
61-2261	06/26/1941	0.01	4	5.67	stk.	UNITED STATES OF AMERICA	SPRING
61-2270	01/24/1942	0.01	4	5.68	stk.	UNITED STATES OF AMERICA	SPRING
61-12287	09/26/1958	0.12	54	5.80	stk.	CASA DEL NORTE LP	SPRING
61-7617	11/20/1989	-	-	-	irr.	CHARTER MOUNTAIN RANCH INC	SPRING
61-7656	11/16/1990	0.03	13	5.83	stk.	UNITED STATES OF AMERICA	SPRING
61-10296	1/1/1800	0.23	103	6.06	dom.	DOUBLE ANCHOR RANCHES INC	SPRINGS; Also stock water
61-10363	3/15/1870	3.25	1,459	9.31	irr.	CASA DEL NORTE LP	SPRINGS
61-11856	12/31/1870	0.06	27	9.37	dom.	CHARTER MOUNTAIN RANCH INC	SPRINGS
61-11854	04/01/1910	0.42	189	9.79	irr.	CASA DEL NORTE LP	SPRINGS
61-11844	02/15/1911	0.54	242	10.33	irr.	CASA DEL NORTE LP	UNNAMED STREAM; Also stock water
61-2278	01/24/1942	-	-	-	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM
61-2285	01/24/1942	-	-	-	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM
61-2286	01/24/1942	-	-	-	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM
61-2287	01/24/1942	-	-	-	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM
61-2290	01/24/1942	-	-	-	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM
61-11620	06/04/1955	0.02	9	10.35	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM

All Other Water Rights in T. 5 S., R. 9 E. Sections 1-6

Water Right No.	Priority Date	Div. Rate		Cum. Tot. cfs	Water Use	Owner	Comments
		cfs	gpm				
61-10659	12/31/1930	0.13	58	0.13	dom.	ARK PROPERTIES LLC	HENLEY SPRINGS; Also stock water
61-11807	04/30/1952	0.34	153	0.47	irr.	ARK PROPERTIES LLC	HENLEY SPRINGS, UNNAMED STREAM
61-2304	05/05/1953	-	-	-	stk.	UNITED STATES OF AMERICA	UNNAMED STREAM
61-1660	03/15/1930	0.80	359	1.27	irr.	HALF MOON RANCH	UNNAMED STREAM

Cold Springs Creek Data Including Measured Creek Flows,
Water Levels, Water Temperature, and Air Temperature

Exhibit C.

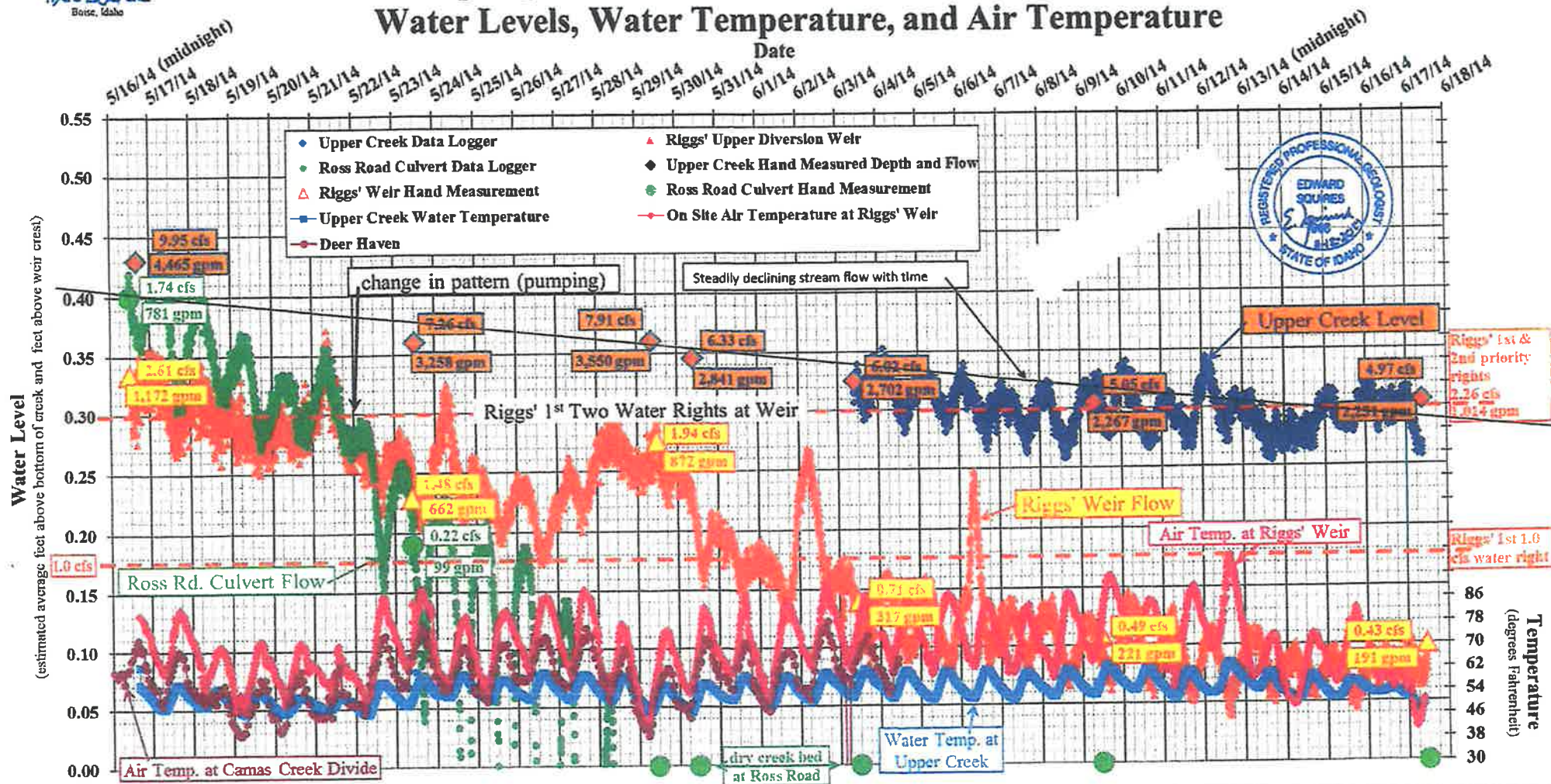
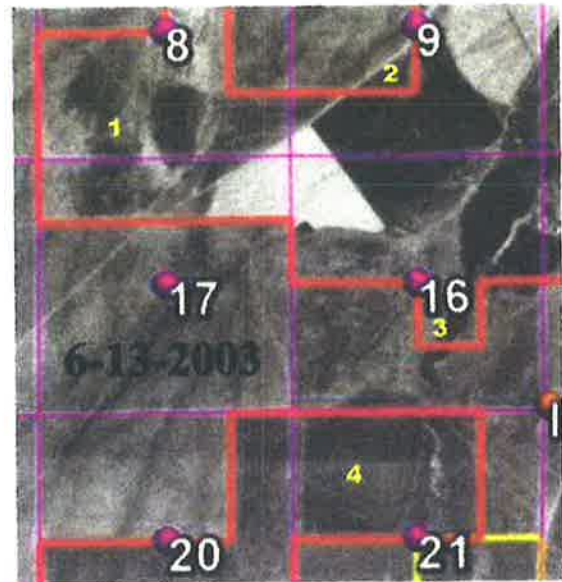
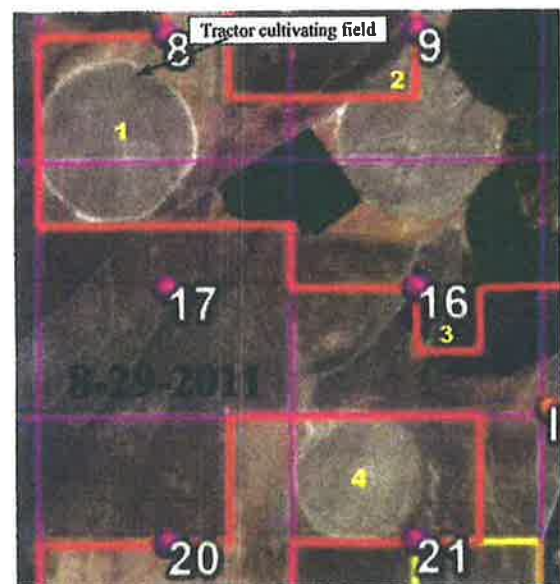
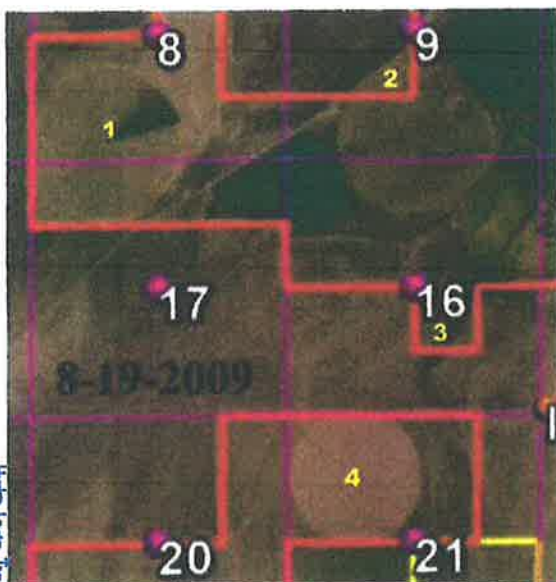
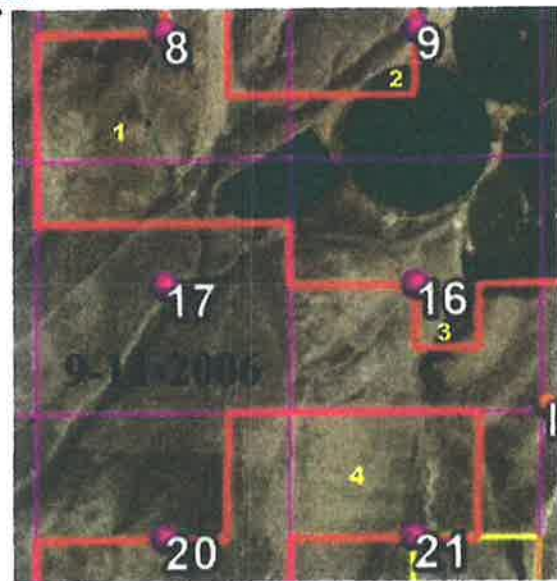
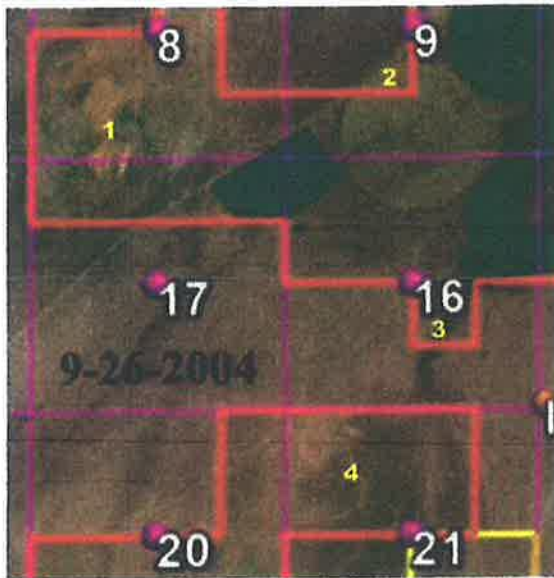


Exhibit C. - Preliminary plot of measured water levels and stream flows on Cold Springs Creek (CSC) and the Double Anchor Ranches' (DA) Upper Diversion weir. The upper CSC measurements are from the stream just above the Casa Del Norte Ranch (CDN) property on the DA's BLM grazing lease ground. The Ross Road CSC measurements were obtained at the Ross Road culvert. All measurements were obtained from public right of way or public access lands. Also shown are available ambient air and stream water temperature data. Apparent from the graph, is that DA, with only a few short-lived exceptions, did not receive its due water right amounts during the monitored period of the 2014 irrigation season even though significant surface water flows were available in CSC. During the period May 16- to May 21, CDN was diverting at least its first priority irrigation right from CSC and DA was only intermittently receiving its 1st two priority irrigation rights. If CDN was diverting more than its 1st priority irrigation right during this period, its diversions should have been curtailed by the watermaster to ensure DA received its full first two water rights. Instead, beginning on May 22nd, a dramatic change in stream flows measured at the Ross Road culvert show that increased pumping diversions from the CSC, or from wells hydraulically interconnected to CSC, caused further reductions in the surface flows available at the DA weir and a tripling of the diurnal amplitude of the Ross Road stream flows that ultimately drew the CSC dry at that location resulting in a premature apparent failure call situation for DA. Beginning about May 30th, further reductions in the DA water right flows brought the flows at the DA weir to below its first priority (1 cfs) water right. The high variations in stream flows at Ross Road do not correlate to the relatively evenly diminishing CSC stream flows just above the CDN property line. The upper CSC stream flows steadily and evenly declined with time and the diminishing snow pack and bank storage. The CSC stream flows at Ross Road, however, fluctuate wildly in response to upstream pumping and diversions by CDN, apparently in excess of its senior-priority water rights. The observed water level and stream flow responses, as well as the causative factors, could be easily and conclusively demonstrated with additional monitoring of stream flows diversions and water well pumping, thus allowing for documentable and fair administration of water rights on this contentious and ephemeral stream with only sparse available data. Additional synthesis and interpretation of this data is underway.



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Boise, Idaho



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Boise, Idaho

Exhibit D.

Exhibit D. Time series aerial photographs mosaic from Google Earth Pro® showing the progression of irrigation on Casa Del Norte Ranch for the period 7-18-1998 to 8-29-2011. The large purple dots next to white numbers are from Google Earth Pro and indicate the number and center of each land Section in Township 3 south and Range 9 east. The yellow numbers denote four areas of the ranch for which irrigation has taken place without appurtenant water rights including modifications to irrigation practices such as changing from flood or hand line irrigation to circular pivoting sprinklers. The date of each aerial photograph is noted in black bold numerals in Section 17 of each photo.

Exhibit D.



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Boise, Idaho
Exhibit E.

Exhibit E. Time series photographic mosaic taken by Hydro Logic, Inc. personnel showing the site circumstances of the Casa Del Norte Ranch's "Walker" geothermal well at its Upper Ryegrass Creek Reservoir for the period 3-13-2014 to 7-30-2014. The date of each aerial photograph is noted in black bold numerals at the top of each photo. The configuration of the well head and pipes had not changed over the observation period suggesting the flowing artesian well had not been discharged in 2014. The artesian well head pressure is evident by the water spray from the capping casing flange and water leaking from the discharge up until the end of May. During late June to late July, the artesian pressure appears to have dropped and the water level in the casing dropping below ground level preventing any discharge from the well as shown by the lack of leaking water and dry conditions around the well head and concrete pad. The well, which produces 140 degree F ground water is not equipped with a pumping plant or electrical power such that it cannot be produced when the artesian pressure is below ground. **Exhibit E.**

State of Idaho Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Mr. Dave Tuthill,

This letter is to strongly protest the use of water from Cold Springs Creek, 61E. This water is being used on Township 4 South, Range 9 East, Section 8 - S ½. This piece of ground has not had water, ever.

In the fall of 2007 a pivot was installed. This pivot was started the spring of 2008. This pivot is still running full time even while other users are without water.

In second piece of ground that is out of the watershed is Township 4 South, Range 9 East, Section 21 N ½. This pivot was erected the fall of 2007 and used to bring up a crop in 2007. The pivot is now being used full time. Historically this ground has a Jr. Water right. Pivot is still running while other users are without water.

We strongly protest the accountability of the system used for co-mingling of creek water and well water. We would like to see the department of water resources investigate these practices.

Thank you,

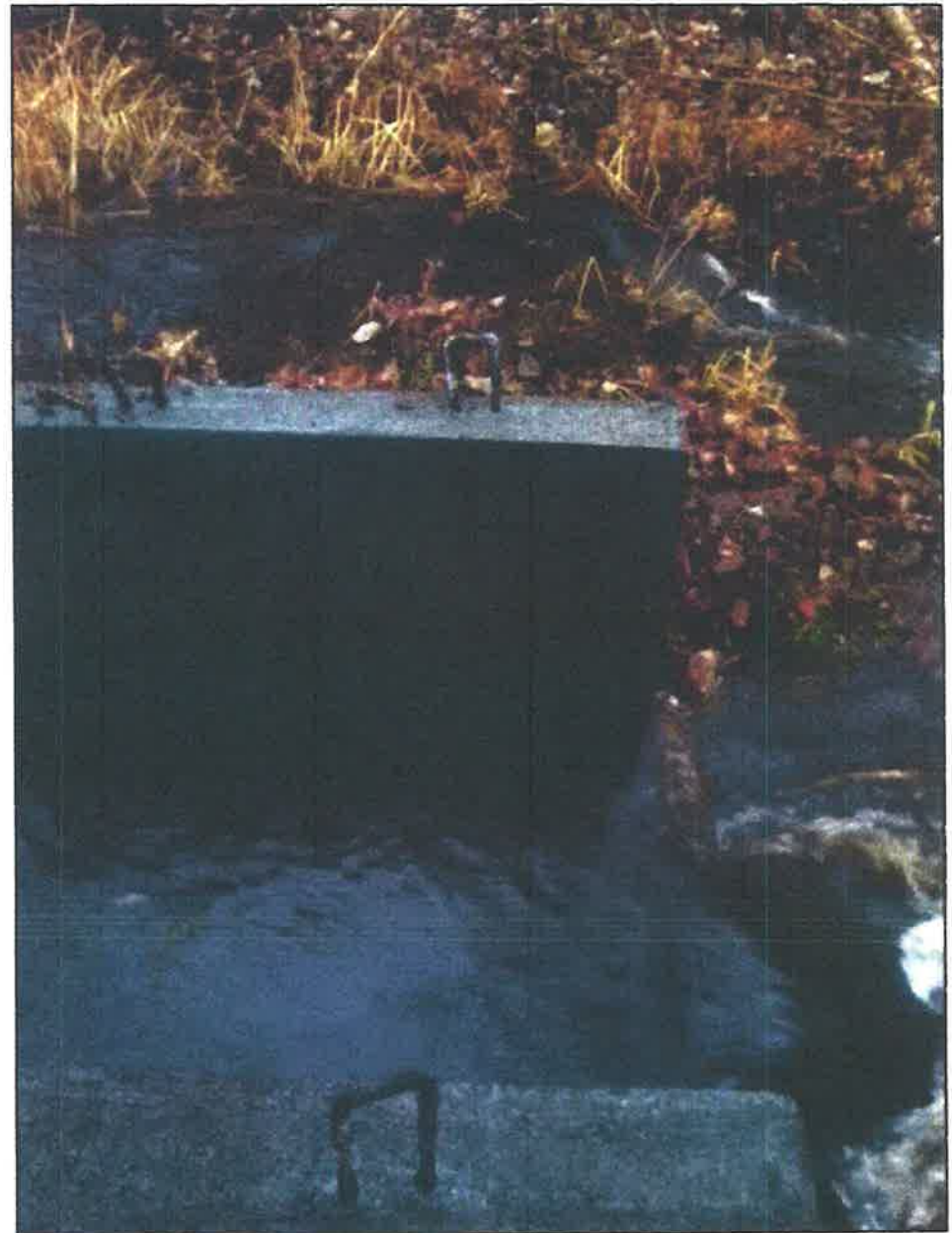
Double Anchor Ranches Inc.
Lynn R. Riggs & Sons



2-14-2014 Photograph by Kelly Riggs and Rich Neal during their site visit to the Casa Del Norte Ranch one day prior to the start of the irrigation season showing a washed out Elk Pen/Four-Mile Ditch Weir.



2-14-2014 Casa Del Norte's Elk Pen/Four-Mile Ditch weir. An estimated 2,700 gallons per minute was passing through weir and 450 gpm was bypassing it. Weir plate in concrete raceway is over-flooded.



2-14-2014 Illegal out-of-season diversion of water by Casa Del Norte with approximately 1 cfs bypassing the weir as leakage and flowing onto Casa Del Norte lands.

Exhibit G.



2-14-2014 photograph by Kelly Riggs and Water Master Rich Neal during their site visit to Casa Del Norte one day prior to irrigation season showing the Casa Del Norte "Pivot #4 reservoir" already brim full.



2-14-2014 Apparent out-of-season illegal diversion of water to storage prior to the irrigation season by Casa Del Norte to its Pivot #4 reservoir..



7-22-2013 photograph of the measurement weir for the Elk Pen Ditch just below the CDN's Upper Main Cold Springs Creek Diversion with only a few tens of gallons per minute flowing over the weir plate.



7-22-2013 photograph of the estimated 35-40 gallons per minute in the CDN Elk Pen Ditch at the Elk Pen. The ditch flow was also estimated at 35-40 gpm at the CDN Upper Diversion one mile upstream. These few elk were the only stock apparent along the course of the ditch.



3-13-2014 photograph looking east showing approximately 40 gallons per minute of flow in the CDN 4-Mile Ditch one mile upstream of the CDN's upper Ryegrass Reservoir where the flow was similar.

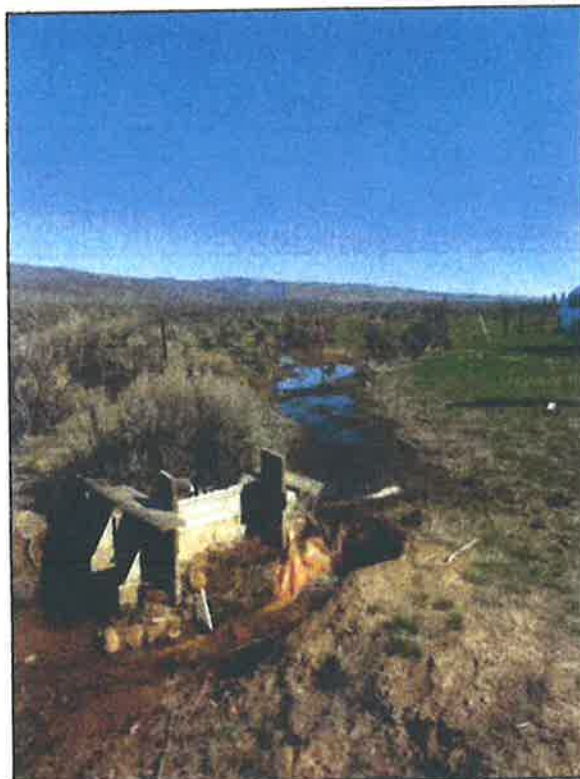


3-13-2014 photograph looking southwest past the washed out diversion structure on the 4-Mile Ditch to the full CDN Upper Ryegrass reservoir in the background. Washout points to higher earlier flows.

Exhibit I.



3-13-2014 photograph looking southwest past the washed out diversion structure on the 4-Mile Ditch to the CDN Upper Ryegrass reservoir in the background. Washout points to higher earlier flows.



3-13-2014 photograph looking northeast past the washed out diversion structure to the CDN 4-Mile Ditch. Washout points to higher earlier flows and possibly those observed by Rich Neal and Kelly Riggs on February 14, 2014 prior to irrigation season.



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Boise, Idaho



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Boise, Idaho

Exhibit K.

Exhibit K. Time series photographs of the CDN Upper Ryegrass Reservoir which is apparently a cooling pond for the "Walker" geothermal well. The reservoir was full in early March and appeared to have slowly evaporated through the year. Apparent in the lower view is the small amount of storage in the empty reservoir for any irrigation or cooling use and the Walker well does not appear to have been discharged in 2014. Photographs were taken from the adjoining BLM land to the north. Dates of the south-looking photographs are the large black numerals near the top of each photo.

Exhibit K.



7-22-2013 photo of CDN's "bubbler", a trash screen to separate debris from the stream intake prior to water entering a pipe to the irrigation distribution system. Water enters via vertical pipe at center. Corrugated steel ring raises the water level (head) to drive more water through.



7-22-2013 low flow entering the CDN "bubbler" from Cold Springs Creek.



3-13-2014 Vertical flow from CDN's bubbler pipe. Estimated flow using vertical pipe equation at 1,372 gpm based on 3½ inches of rise over the 20-inch diameter pipe. Elk Pen flow-meter showed 700 gpm a few minutes later when E. Squires and C. Honsinger visited and read it.



3-13-2014 Cold Springs Creek water entering the CDN bubbler and flowing out on to a trash screen which separates leaves, debris, and the many small fish seen stranded on the screen.

Exhibit L.

Exhibit M. - Table and Calculations of Vertical Pipe Flows

Head (inches)	Head (feet)	GPM (gallons / minute)	CFS (cubic-foot / second)	MGD (millions-of-gallons-per-day)
0.80	0.067	187	0.417	0.269
0.85	0.071	203	0.452	0.292
0.90	0.075	219	0.489	0.316
0.95	0.079	236	0.526	0.340
1.00	0.083	253	0.563	0.364
1.05	0.088	270	0.602	0.389
1.10	0.092	288	0.641	0.414
1.15	0.096	305	0.680	0.440
1.20	0.100	323	0.721	0.466
1.25	0.104	342	0.761	0.492
1.30	0.108	360	0.803	0.519
1.35	0.113	379	0.845	0.546
1.40	0.117	398	0.887	0.573
1.45	0.121	418	0.930	0.601
1.50	0.125	437	0.974	0.629
1.55	0.129	457	1.018	0.658
1.60	0.133	477	1.062	0.687
1.65	0.138	497	1.108	0.716
1.70	0.142	518	1.153	0.745
1.75	0.146	538	1.199	0.775
1.80	0.150	559	1.246	0.805
1.85	0.154	580	1.292	0.835
1.90	0.158	601	1.340	0.866
1.95	0.163	623	1.388	0.897
2.00	0.167	644	1.436	0.928
2.05	0.171	666	1.485	0.960
2.10	0.175	688	1.534	0.991
2.15	0.179	711	1.583	1.023
2.20	0.183	733	1.633	1.056
2.25	0.188	756	1.683	1.088
2.30	0.192	778	1.734	1.121
2.35	0.196	801	1.785	1.154
2.40	0.200	824	1.837	1.187
2.45	0.204	848	1.889	1.221
2.50	0.208	871	1.941	1.254
2.55	0.213	895	1.993	1.288
2.60	0.217	918	2.046	1.323
2.65	0.221	942	2.100	1.357
2.70	0.225	966	2.153	1.392
2.75	0.229	991	2.207	1.427
2.80	0.233	1015	2.262	1.462
2.85	0.238	1040	2.316	1.497
2.90	0.242	1064	2.371	1.533
2.95	0.246	1089	2.427	1.568
3.00	0.250	1114	2.482	1.604
3.05	0.254	1139	2.538	1.641
3.10	0.258	1165	2.595	1.677

Head (inches)	Head (feet)	GPM (gallons / minute)	CFS (cubic-foot / second)	MGD (millions-of-gallons-per-day)
3.15	0.263	1190	2.651	1.714
3.20	0.267	1216	2.708	1.750
3.25	0.271	1241	2.766	1.787
3.30	0.275	1267	2.823	1.825
3.35	0.279	1293	2.881	1.862
3.40	0.283	1319	2.939	1.900
3.45	0.288	1346	2.998	1.938
3.50	0.292	1372	3.057	1.976
3.55	0.296	1398	3.116	2.014
3.60	0.300	1425	3.175	2.052
3.65	0.304	1452	3.235	2.091
3.70	0.308	1479	3.295	2.129
3.75	0.313	1506	3.355	2.168
3.80	0.317	1533	3.416	2.207
3.85	0.321	1560	3.476	2.247
3.90	0.325	1588	3.537	2.286
3.95	0.329	1615	3.599	2.326
4.00	0.333	1643	3.660	2.366
4.05	0.337	1671	3.722	2.406
4.10	0.342	1699	3.784	2.446
4.15	0.346	1727	3.847	2.486
4.20	0.350	1755	3.910	2.527
4.25	0.354	1783	3.973	2.568
4.30	0.358	1811	4.036	2.608
4.35	0.362	1840	4.099	2.649
4.40	0.367	1868	4.163	2.691
4.45	0.371	1897	4.227	2.732
4.50	0.375	1926	4.291	2.773
4.55	0.379	1955	4.356	2.815
4.60	0.383	1984	4.420	2.857
4.65	0.387	2013	4.485	2.899
4.70	0.392	2042	4.551	2.941
4.75	0.396	2072	4.616	2.984
4.80	0.400	2101	4.682	3.026
4.85	0.404	2131	4.748	3.069
4.90	0.408	2161	4.814	3.111
4.95	0.413	2191	4.880	3.154
5.00	0.417	2220	4.947	3.197
5.05	0.421	2250	5.014	3.241
5.10	0.425	2281	5.081	3.284
5.15	0.429	2311	5.149	3.328
5.20	0.433	2341	5.216	3.371
5.25	0.438	2372	5.284	3.415
5.30	0.442	2402	5.352	3.459
5.35	0.446	2433	5.420	3.503
5.40	0.450	2464	5.489	3.548
5.45	0.454	2494	5.558	3.592

Equation for vertical pipe flow:

$$Q = 6.17 \cdot d^{1.25} \cdot h^{1.35}$$

where:

Q = rate of flow gallons/minute

d = inside diameter of the pipe in inches

h = height of jet above pipe opening in inches

Casa Del Norte "Bubbler" on 3-13-2014



CDN together

Chapter 14—Measurement in Pressure Conduits

13. Trajectory Methods.—Basically, trajectory methods consist of measuring the horizontal and vertical coordinates of a point in the jet issuing from the end of a pipe (Stock, 1954). The pipe may be oriented either vertically or horizontally. The principal difficulty with this method is in measuring the coordinates of the flowing stream accurately.

(a) Vertical Pipes.—Lawrence and Braunworth (1906) noted that two kinds of flow occur from the end of vertical pipes. With a small rise of water (up to 0.37d) above the end of the pipe, the flow acts like a circular weir. When the water rises more than 1.4d, jet flow occurs. When the rise is between these values, the mode of flow is in transition. Lawrence and Braunworth (1906) determined that when the height of the jet exceeded 1.4 d, as determined by sighting over the jet to obtain the maximum rise, the discharge is given by:

$$Q = 5.01 d^{1.75} h^{1.35} \quad (14-7)$$

where:

Q = rate of flow, gal/min

d = inside diameter of the pipe, in

h = height of jet, in

When the rise of water above the end of the pipe is less than 0.37d, discharge is given by

$$Q = 1.72 d^{1.75} h^{1.35} \quad (14-8)$$

For jet heights between 0.37d and 1.4d, the flow is considerably less than that given by either of these equations. Figure 14-12, prepared using data from Stock (1954) gives flow rates in gallons per minute for standard pipes 2 to 12 in. in diameter and jet heights from 1 in. to 60 in. Ben (1989) assigns to this method an accuracy of a 10 percent for the jet flow range to ±16 percent for the weir flow range.

For irrigation convenience, the Natural Resources Conservation Service produced a table from curves for vertical pipes in Stock (1954) for the NRCS National Engineering Handbook (1982a). This table is reproduced here as table 14-1. The table gives discharges

Water Measurement Manual

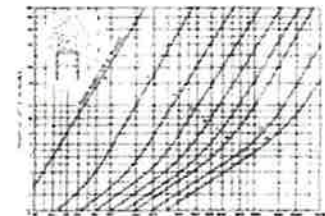


Figure 14-12—Discharge curves for measurements of flow from vertical standard pipes. The curves are based on data from experiments of Lawrence and Braunworth, American Society of Civil Engineers Transactions, vol. 57, 1906 (courtesy of Utah State University).

Pipe diameter (in.)	Discharge of pipe (gpm)											
	2	3	4	6	8	10	12	14	16	18	20	22
2	1.0	1.5	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0
3	1.5	2.5	3.5	5.5	7.5	9.5	11.5	13.5	15.5	17.5	19.5	21.5
4	2.0	3.5	5.0	7.5	10.0	12.5	15.0	17.5	20.0	22.5	25.0	27.5
6	3.0	5.5	8.0	12.5	17.5	22.5	27.5	32.5	37.5	42.5	47.5	52.5
8	4.0	7.5	11.0	17.5	25.0	32.5	40.0	47.5	55.0	62.5	70.0	77.5
10	5.0	9.5	14.0	22.5	32.5	42.5	52.5	62.5	72.5	82.5	92.5	102.5
12	6.0	11.0	16.0	27.5	40.0	52.5	65.0	77.5	90.0	102.5	115.0	127.5
14	7.0	12.5	18.0	32.5	47.5	62.5	77.5	92.5	107.5	122.5	137.5	152.5
16	8.0	14.0	20.0	37.5	55.0	72.5	90.0	107.5	125.0	142.5	160.0	177.5
18	9.0	15.5	22.0	42.5	62.5	82.5	102.5	122.5	142.5	162.5	182.5	202.5
20	10.0	17.0	24.0	47.5	70.0	92.5	115.0	137.5	160.0	182.5	205.0	227.5
22	11.0	18.5	26.0	52.5	77.5	102.5	127.5	152.5	177.5	202.5	227.5	252.5
24	12.0	20.0	28.0	57.5	85.0	112.5	140.0	167.5	195.0	222.5	250.0	277.5
26	13.0	21.5	30.0	62.5	92.5	122.5	152.5	182.5	212.5	242.5	272.5	302.5
28	14.0	23.0	32.0	67.5	100.0	132.5	165.0	197.5	227.5	257.5	287.5	317.5
30	15.0	24.5	34.0	72.5	107.5	142.5	177.5	212.5	242.5	272.5	302.5	332.5

Notes: 1. Discharge from standard pipes in gpm. 2. Discharge from standard pipes in cfs. 3. Discharge from standard pipes in m³/s. 4. Discharge from standard pipes in l/s. 5. Discharge from standard pipes in ft³/s. 6. Discharge from standard pipes in m³/min. 7. Discharge from standard pipes in l/min. 8. Discharge from standard pipes in ft³/min. 9. Discharge from standard pipes in m³/h. 10. Discharge from standard pipes in l/h. 11. Discharge from standard pipes in ft³/h. 12. Discharge from standard pipes in m³/d. 13. Discharge from standard pipes in l/d. 14. Discharge from standard pipes in ft³/d. 15. Discharge from standard pipes in m³/yr. 16. Discharge from standard pipes in l/yr. 17. Discharge from standard pipes in ft³/yr. 18. Discharge from standard pipes in m³/decade. 19. Discharge from standard pipes in l/decade. 20. Discharge from standard pipes in ft³/decade. 21. Discharge from standard pipes in m³/century. 22. Discharge from standard pipes in l/century. 23. 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2-14-2014 CDN #4 Pivot/Reservoir intake screen. Photographs by Kelly Riggs with Water Master Rich Neal on 2-14-2014. Water was being diverted outside the irrigation season and the reservoir full.



2-14-2014 CDN #4 Pivot/Reservoir flow-meter. This is the third site visit where the flow-meter was found to be inoperative and/or inaccurately showing the current flow.

February 14, 2014 Casa Del Norte "Lower" diversion and flow-meter near the #4 Pivot Reservoir. There is currently no way to regulate flow into this diversion because the two valves did not appear to operate when Rich Neal and Kelly Riggs operated the valves. There is also no way to lock out the diversion. The intake is simply an open pipe in Cold Springs Creek. There is also no way to calibrate the meter to the flow in this low-gradient diversion.

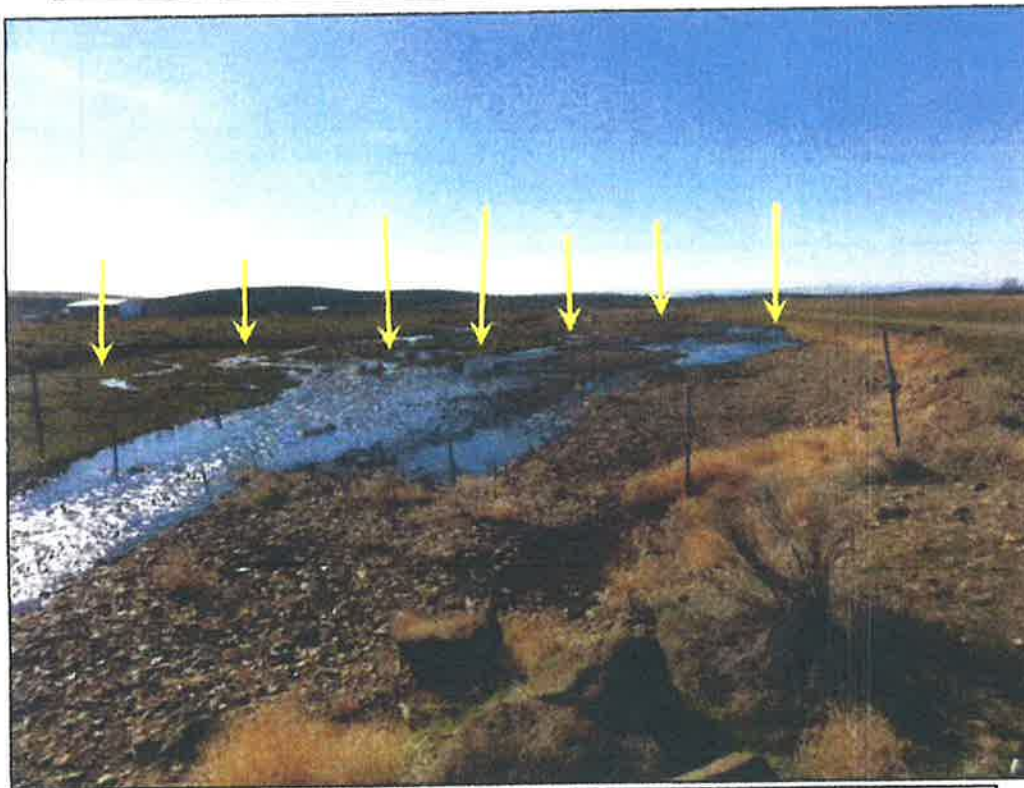


2-14-2014 CDN #4 Pivot/Reservoir flow-meter not suitable for the intended purpose; especially at lower flows.

Exhibit N.



13-13-2014 photograph of the braided channel of Cold Springs Creek and flow looking north from the Ross Road culvert crossing. Estimated flow ~ 7 cfs. Double Anchor believes the channel has been split (yellow arrows) to facilitate more infiltration on CDN land and slower downstream flow in main channel.



3-13-2014 photograph of the braided channel of Cold Springs Creek looking south from the Ross Road culvert crossing. Apparent are the many passive stream bed alterations (yellow arrows) that spread the stream flow across the floodplain to enhance infiltration on CDN lands above Double Anchor Ranches.

Map of Areas Historically Irrigated by Casa Del Norte without Apparent Sufficient Appurtenant Water Rights

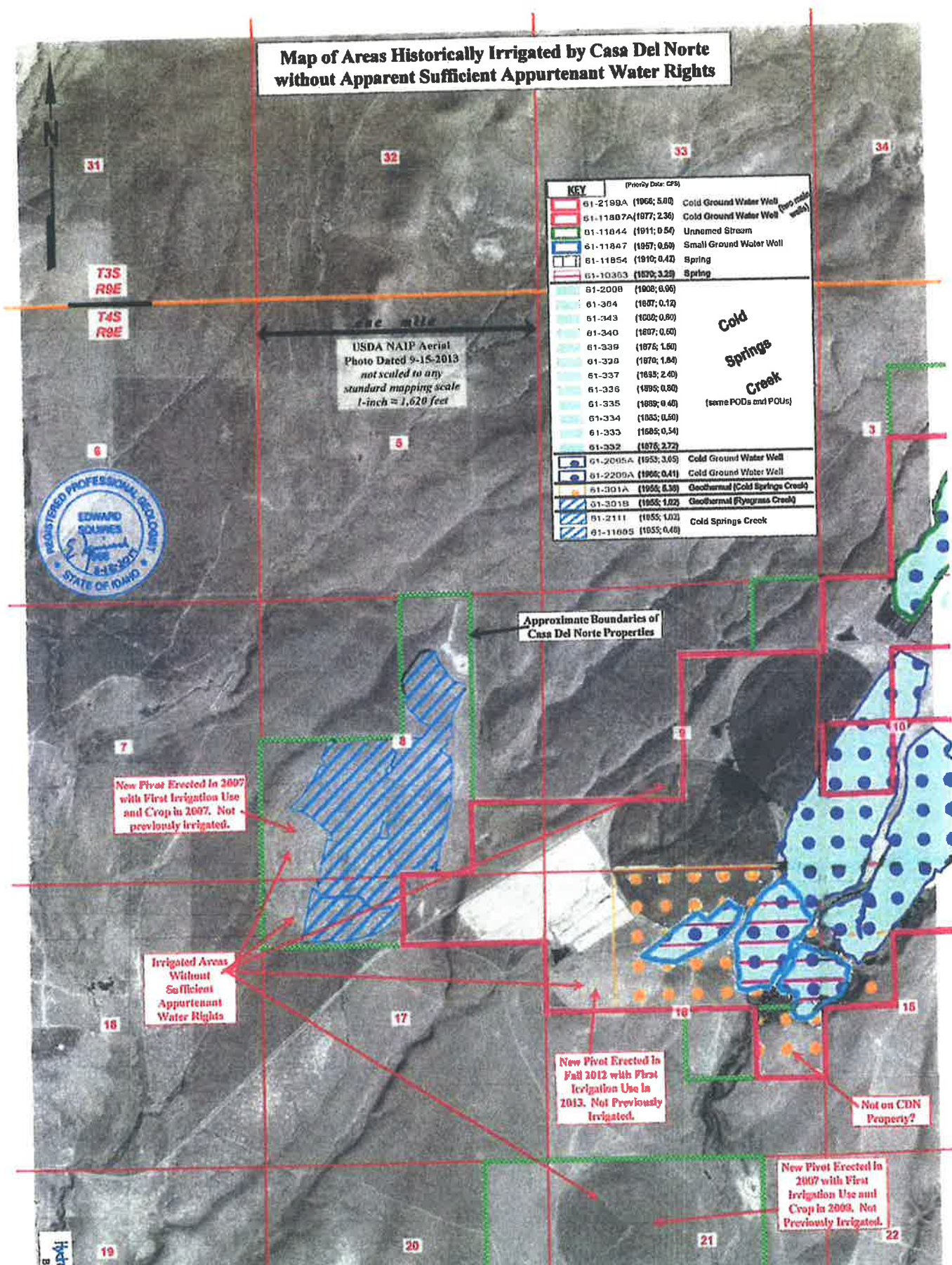


Exhibit P. Close-up annotated aerial photograph of the areas of the Casa Del Norte Ranch that have been previously irrigated without appurtenant water rights and in a less cluttered presentation than Exhibit A.



Tim Luke
Rob Whitney
Compliance Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

October 15, 2014

Dear Mr. Luke and Mr. Whitney

I am writing on behalf of my family and Double Anchor Ranches Inc. Based on our observations over several decades of water use from Cold Springs Creek by us and others. I am writing to let you know of actions that we would like to see IDWR take regarding our neighbor John McCallum (Casa del Norte - "CDN"). Mr. McCallum has been depriving us of our water in Cold Springs Creek for at least 7 or 8 years. Our attorney has written two recent letters to you explaining what has happened to us over this past irrigation season. We have contacted IDWR many times over the past years to complain about illegal uses of water by McCallum but these were mostly phone conversations that did not serve the purpose of a paper trail in the file. This time we intend to document our complaint in writing and request that IDWR act decisively to ensure proper distribution of the available water for the next upcoming irrigation season starting in February and at the end of this current irrigation season.

Here is our list:

A. Prohibited CDN Uses and Practices in 2015.

a. CDN cannot be permitted to divert Cold Springs Creek water to Ryegrass Creek drainage for irrigation of the CDN pivot and/or lands in Sections 8 and 22.

i. The pipeline from CDN's Cold Springs Creek commingling storage reservoir to Ryegrass Creek must be equipped with a lockable valve and water master lock as water rights from this diversion will almost certainly not be in priority long enough to provide a viable crop.

b. CDN can not divert its early priority stock water right except when a clear stock water use is apparent and only in the small amounts necessary to water stock.

i. CDN can not divert Cold Springs Creek water through the 4-Mile ditch to Ryegrass Creek drainage except in the small quantities (< 50 gpm) needed for stock watering purposes and only when stock are present.

ii. Ed Squires obtained photographs of an estimated 35 gpm flowing for miles in the 4-mile ditch from intercepted springs along the path of the ditch that flowed at this rate all the way to CDN's upper storage reservoir in Ryegrass Creek.

Therefore, the captured spring provides stock water flows for many months of the year and only a few tens of gpm are required to carry the full length of the ditch.

iii. Between Cold Springs Creek, CDN's many reservoirs and ditches for irrigation, there are very few places on the CDN ranch that the small amount of water needed for stock watering purposes is not available without diversion of Cold Springs Creek water.

c. No Cold Springs Creek water should be diverted for irrigation outside the irrigation season including water that CDN calls "flood flows".

d. No Cold Springs Creek water should be diverted to CDN storage reservoirs at any point in time as there does not appear to be ANY storage rights.

e. No storage of Cold Springs Creek waters should be allowed in the Ryegrass Creek drainage - again, there are no storage rights under which this can be done.

f. Diversions of water from the Cold Springs Creek bed through damaged and leaking ditches and/or diversions should not be allowed until they are repaired.

h. If a CDN ditch allows uncontained water to flow out of the diversion or out of the ditch to any lands except the natural Cold Springs Creek bed, the entire flow in the ditch must be curtailed until the ditch can be repaired.

g. CDN can not be permitted to irrigate the NW $\frac{1}{4}$ of Section 21 in T4S, R9E.

h. CDN shall not divert more than its first priority right no. 61-228 whenever the stream flow at the Double Anchor weir falls below 2.26 cfs (plus an added amount to allow for carrying losses and to compensate for the daily annual natural fluctuation in stream flow) until the stream flow falls below about 50 gpm.

i. The futile call should first be administered next year by preventing CDN from diverting more than its single senior water right until Cold Springs Creek has dried up for a couple of weeks at the DA weir.

ii. In other words, the Watermaster should curtail CDN's water rights (except for its senior water right no. 61-228) to maintain Double Anchor's water rights in Cold Springs Creek. This is the only way we can know if a futile call is "real".

i. CDN should not get a water delivery out of priority simply because it might have planted a crop.

i. From the stream flow data obtained by HLI in 2014, and the prioritized listing of water rights on Cold Springs Creek, it seems unlikely that CDN could expect to irrigate more than about 300 acres past June, even during a good water year while

accommodating the water right priority system.

B. Direct Surface Water /Ground Water Connection

- a. From what our consultant has told us, we think there is enough existing evidence of a connection between the two types of water to warrant IDWR monitoring of CDN's cold water wells for discharge, pumped volume, and water level.
- b. If the direct hydraulic connection between ground and surface water exists, it will be easy to confirm it with the monitoring we suggest and that Hydro Logic, Inc. has proposed.
- c. If this connection is shown, conjunctive management of surface and ground water sources should begin immediately. Water leases from the State Water Supply Bank should not be allowed in Cold Springs Creek drainage and existing leases should be curtailed immediately.
- d. To the extent that IDWR allows any groundwater leases from the IWSB, it should have to show how that water is connected because the current lease is from a water right from out of the basin.
Without any attempt to show a connection, all existing leases should be curtailed.

C. Measuring Devices

- a. Simply require weirs at every diversion. No more batteries, No more questions. Problem solved.

We are hopeful that you will implement our suggestions so as to protect our water rights, along with the water rights of other downstream water users on Cold Springs Creek. We will make any data we have available to you and stand ready to help properly administer water rights in this basin.

Thank you.

Sincerely,

Lynn Riggs.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 10, 2014

Charles L. Honsinger
Honsinger Law, PLLC
PO Box 517
Boise, ID 83701

Bruce M. Smith
Moore Smith Buxton & Turcke, Chtd.
950 W Bannock St, Ste 520
Boise, ID 83702

RE: Distribution of Water and Potential Unauthorized Use(s) within Water District 61E (Cold Springs Creek)

Dear Gentleman:

This letter is prepared in response to the complaint dated August 12, 2014, conveyed to the Idaho Department of Water Resources ("Department") on behalf of Double Anchor Ranches, Inc. ("DAR"). The Department has also received 1) a response to the complaint from Bruce M. Smith dated September 9, 2014, on behalf of Casa Del Norte ("CDN"); 2) a rebuttal by Mr. Honsinger dated October 2, 2014; and 3) a letter from Lynn Riggs on behalf of DAR dated October 15, 2014.

PRELUDE

On June 27, 2014, the Department received a request from Water District 61E ("WD61E") asking the Department to assist Watermaster Rich Neal ("Watermaster") with 1) obtaining additional training relative to water measurement and delivery; and 2) conducting a field evaluation of the existing diversion control structures and associated measuring devices on Cold Springs Creek. In response to the request from WD61E, Department staff met with the Watermaster on July 11, 2014, and August 6, 2014, to evaluate diversions and measuring devices on Cold Springs Creek. Enclosed please find copies of what the Watermaster reportedly conveyed to the water users of Cold Springs Creek on August 6, 2014. The documents include the 2002 Measurement Order issued by the Department, the Watermaster's Report on Weir Inspections dated August 6, 2014, and the Watermaster's Journal for 2014, describing his district activities through July 15, 2014.

The Department has reviewed and generally concurs with the Watermaster's "Report on Weir Inspections" and trusts that the users on Cold Springs Creek will initiate and complete any necessary repairs in cooperation with the Department and the Watermaster prior to the 2015 delivery season. The Department intends to supervise or support WD61E and the Watermaster as necessary to ensure appropriate administration and delivery of water from Cold Springs Creek.



The Department agrees that any confirmed unauthorized use, diversion or storage of water by any user must be curtailed and may also be subject to a formal enforcement action by the Department. The water right holders within WD61E must maintain and/or install lockable diversion and control structures as required by the Order of the Department dated January 18, 2002. Pursuant to the order, the Watermaster may shut off or refuse to deliver water from Cold Springs Creek if a user fails to install and maintain the required control structure(s) or measuring device(s). Additionally, failure to comply with the order may subject the user to a formal enforcement action.

RESPONSE TO COMPLAINT

The Department provides the following response to the concerns outlined in DAR's August 12, 2014, letter generally in the order they were presented.

Diversion and use of water without a valid water right

1. Sections 8 and 17, T4S R9E ("Ryegrass Pivot") - The complaint does not discuss water rights 61-2111, 61-11885 but they are included on Exhibit B of the complaint. Right 61-301B is a ground water right authorizing irrigation of about 130 acres within the Ryegrass Pivot from the Walker well. Rights 61-2111 and 61-11885 authorize irrigation of the same approximate 130 acres within the Ryegrass Pivot area from the upper CDN diversion on Cold Springs Creek. Department records indicate that these rights have historically been diverted from the upper CDN diversion into the four-mile ditch. CDN has secured a rental from the Water Supply Bank (WSB) authorizing irrigation of 160 acres, from ground water, under the Ryegrass Pivot beginning in 2014 through 2016. After reviewing Landsat imagery from June 30, 2013, and September 5, 2014, the Department quantifies the actual irrigated acreage under the Ryegrass Pivot to be approximately 192 acres in 2013 and 2014 (Exhibit 1 & 2). If CDN did not use water (2013 & 2014) from the Walker well under water right 61-301B and/or water from Cold Springs Creek under water rights 61-2111 or 61-11885, the entire pivot area was irrigated without a valid water right in 2013 and 32 acres of the irrigation was not covered by a valid water right in 2014. Unless CDN provides information to the contrary, the Department will consider a Notice of Violation ("NOV") for the unauthorized use in 2014.
2. Section 21, NW ¼, T4S R9E (134 acre pivot) - This pivot was covered by a WSB rental in 2013. The Watermaster has reported that the land under the pivot was not irrigated in 2014. The Department has confirmed with aerial imagery that irrigation did not occur in 2014.
3. Section 9, NE ¼ SW ¼, T4S R9E (BLM owned parcel) - The Department quantifies the irrigation within this parcel at approximately 13.5 acres. The Bureau of Land Management owns ground water rights 61-2199B, 61-11887B and 61-2209B that authorize irrigation of 16 acres.
4. Section 16, S ½ NW ¼, T4S R9E (40-50 acre partial circle pivot) - Department review of aerial photography indicates that the land under this pivot was not irrigated in 2013 or 2014.

Out of season or unauthorized diversions

The alleged "out of season" diversions would constitute unauthorized diversion, or use of water without a valid water right. The Watermaster has also expressed concern to Department staff about apparent diversions outside the irrigation season (other than stockwater) that may not be covered by a water right. The Department will require that the Watermaster curtail any diversion or use of water from Cold Springs Creek that is not authorized by a valid water right. This will require administration of water rights on a year-round basis and not simply during the irrigation season. WD61E is encouraged to provide a budget for additional administration by the Watermaster throughout the year. Water that is not being delivered by the Watermaster in priority and under authorization of a valid water right must stay in Cold Springs Creek.

Diversions without beneficial use (eg. Stockwater with no livestock observed)

Water right 61-11906 allows a maximum diversion of 1.54 cfs for year-round stockwater use from one or any combination of five points of diversion off Cold Springs Creek. Of the total 1.54 cfs diversion rate, 1.3 cfs is dedicated specifically to conveyance loss in the delivery system. To the extent that water is diverted under a valid water right and it becomes evident that the water is being wasted or not being applied to the beneficial use authorized by the water right, the Watermaster should be notified. The Department may direct the Watermaster to curtail or limit the diversion if the user has been contacted and it is confirmed that water is being wasted or used in a manner inconsistent with the authorized use. Use of water not in conformance with a water right is a violation of Idaho Code §42-351 and may be subject to a formal enforcement action.

Unauthorized storage or diversion to storage

The complaint did not quantify the volume of the reservoir to the north of the Ryegrass Pivot. Using GIS, it appears that the reservoir has a surface area of approximately 3.5 acres. However, the average depth of the reservoir is unknown. Department records indicate the reservoir was historically used as a cooling pond for water diverted from the 2+ well and/or the Walker well. The reservoir may have previously been viewed by the Department as "incidental" because the rate of flow from the original ground water rights could fill the reservoir in less than 24 hours. Storage in the reservoir should not occur during the non-irrigation season unless a storage right is secured. If the existing and appurtenant irrigation water right flow rates are not sufficient to fill the reservoir in 24 hours or less, the addition of a storage component to the water right(s) may be required or the active reservoir capacity reduced. The Department will further investigate this issue with CDN.

Inadequate monitoring of commingled sources (ground water and surface water)

WD61E and the Watermaster are responsible for the administration and delivery of valid water rights from Cold Springs Creek under the supervision of the Department. At present, ground water rights are not regulated under a water district and are not subject to the Order requiring measurement. The Department anticipates that ground water rights in Administrative Basin 61 will be placed in one or more water districts and be subject to measurement and administration by a watermaster. In the interim, the Department intends to issue an Order pursuant to Idaho Code §42-701 requiring measurement of all active irrigation wells within WD61E.

Inaccurate CDN flow-meter

On two separate occasions, Department staff has validated the accuracy of the "elk-pen" flow-meter and determined it to be accurate at the measured rate of flow (1.2 to 1.3 cfs). Staff also verified that the required insertion depth and "K" factor for the existing meter were correct. The measured flows were also fairly close to those estimated by the Watermaster (1.48 cfs) at the bubbler near the upper diversion. Because the insertion depth and "K" factor remain constant with this type of flow meter, accuracy may not remain linear as velocities change. In comparing the manufacturer's recommendations and specifications with the actual installation, some inconsistencies are evident. The meter is mounted at twelve o'clock and should optimally be located at three o'clock or nine o'clock. The meter was installed less than the minimum required distance (10x pipe diameters) below any obstruction in the pipe (45° elbow) and is also located too close to the downstream valve. The Department intends to verify accuracy of the existing meter at higher flow rates if it is not replaced prior to the 2015 season. Both the Department and the Watermaster agree that measurement should be provided by CDN proximal to the upper diversion to provide accurate measurement. The Department will work with the Watermaster and CDN to ensure that diversions from Cold Springs Creek are properly measured.

In a letter dated August 6, 2014, John McCallum responded to the Watermaster's request for the users on Cold Springs Creek to maintain the required control structures and measuring devices. The response from Mr. McCallum (enclosed) indicates CDN's willingness to make the necessary changes or repairs to enable the Watermaster to appropriately administer deliveries from Cold Springs Creek.

CONCLUSION AND PLAN OF ACTION

- 1) The Department intends to monitor the delivery of water from Cold Springs Creek and to support the Watermaster to ensure water rights are appropriately delivered. All water users must comply with the measuring and diversion works requirements to the satisfaction of the Department and the Watermaster.
- 2) If the Department confirms that an unauthorized use has occurred within the preceding twelve months, the Department will consider initiation of a formal enforcement action. Any unauthorized diversions identified by a water user or their agent should be reported to the Watermaster for investigation and documentation. The Watermaster may request support or assistance from the Department in determining if a delivery should be curtailed.
- 3) Local reservoirs including those referenced in DAR's complaint will be further reviewed by the Department. If the Department determines that storage rights are required, the owner will be notified that storage must not occur unless a valid storage right is secured.
- 4) Further study may be necessary to determine the extent of ground water and surface water interactions within the Cold Springs drainage. However, ground water and surface water rights are currently administered separately.
- 5) The Department will issue an Order requiring measurement of all irrigation wells within WD61E.

The Department understands the importance of proper distribution of water within the Cold Springs Drainage. The Department also expects that WD61E, the Watermaster and the users will cooperatively and actively move forward to help in resolving any issues and providing the tools necessary for proper administration and delivery. Please feel free to contact me regarding any additional concerns or questions you may have.

Respectfully,



Rob Whitney
Water Compliance Bureau

cc:

Rich Neal - Watermaster, WD61E
Double Anchor Ranches, Glenns Ferry
Casa Del Norte, Glenns Ferry
Paula Riggs, Secretary for WD61E

Exhibit 1: Rye Grass Pivot 2013

192 Irrigated Acres

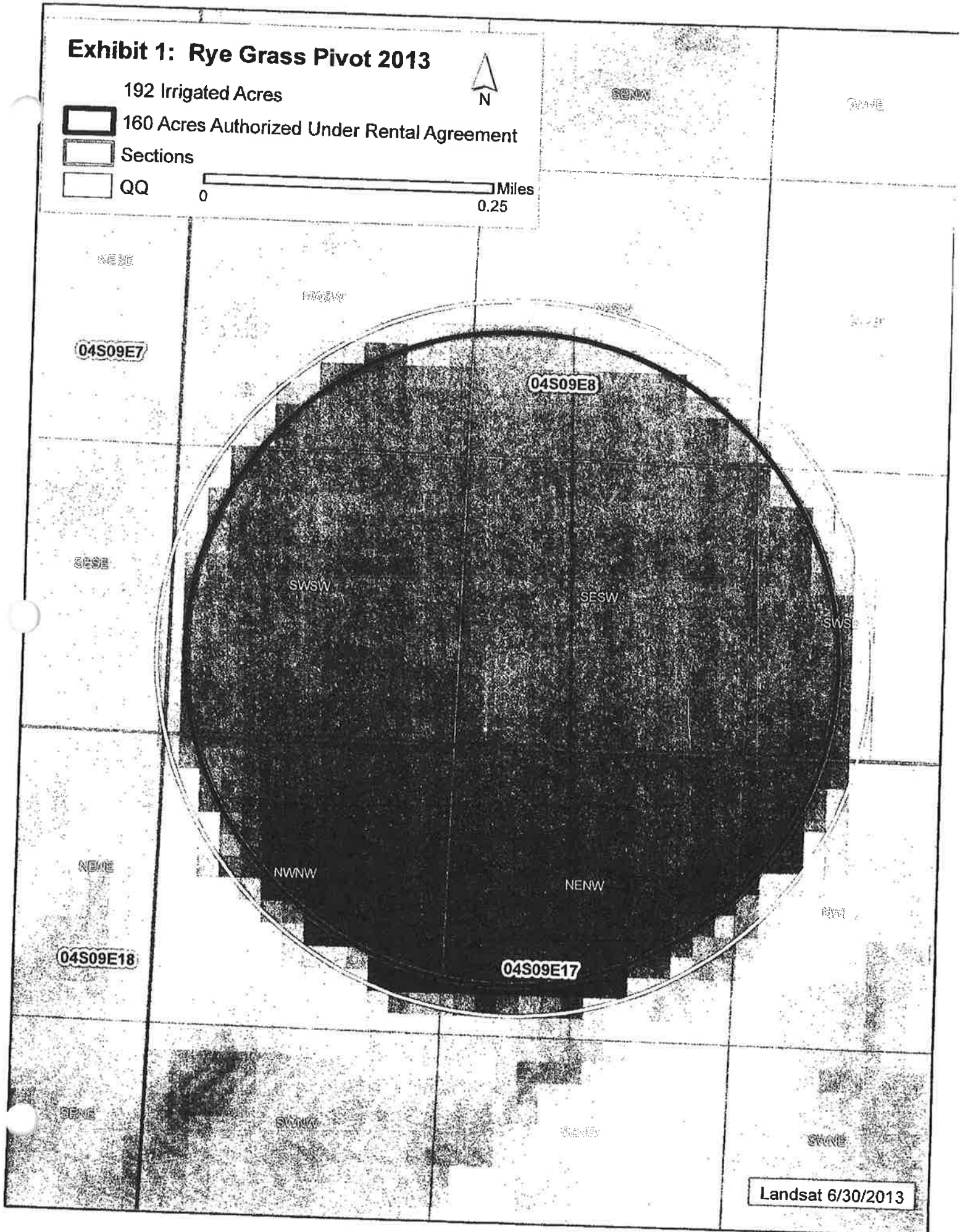


160 Acres Authorized Under Rental Agreement

Sections

QQ

0 Miles
0.25



Landsat 6/30/2013

Exhibit 2: Rye Grass Pivot 2014

192 Irrigated Acres

160 Acres Authorized Under Rental Agreement

Sections

QQ



0 0.25 Miles

04S09E7

04S09E8

SWSW

SESW

SWS

NENE

NWNW

NENW

04S09E18

04S09E17

SENE

SESW

SENE

SENE

Landsat 9/5/2014

**PRELIMINARY
ORDER**

COPY

source of public water. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of water resources.

(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices. . . , upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to section 42-1701B, Idaho Code, to enforce the requirement to construct, install or maintain such devices.

(4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

2. An order should be issued again requiring the water users of Cold Springs Creek and its tributaries to install, construct, and maintain adequate measuring devices and controlling works.

ORDER

IT IS HEREBY ORDERED that on or before February 15, 2002, the water users diverting water from the main stem of Cold Springs Creek shall install, construct, and maintain measuring devices and lockable controlling works of a type acceptable to IDWR, unless expressly exempted by IDWR after a showing by a water right holder that the structures are unnecessary.

IT IS FURTHER ORDERED that, after February 15, 2001, the watermaster of Water District no. 61E shall shut off and refuse to deliver water from Cold Springs Creek and its tributaries to any water user authorized to divert water from Cold Springs Creek and its tributaries who has not installed, constructed, and properly maintained adequate lockable controlling works and measuring devices.

Dated this 18th day of January, 2002.


GARY SPACKMAN
Western Regional Manager

COPY

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO
CONSENT ORDER AND AGREEMENT**

RECEIVED
FEB 26 2015
DEPARTMENT OF
WATER RESOURCES



In the Matter of Notice of Violation ("NOV") No. E2015-716 dated January 7, 2015.

BACKGROUND

- 1) Casa Del Norte, LP ("CDN") is the owner of land irrigated by a pivot sprinkler ("ryegrass pivot") located within Section 8 and Section 17 of Township 4 South, Range 9 East, Elmore County, Idaho.
- 2) After review of aerial photography, the Idaho Department of Water Resources ("Department") concludes that approximately 185 acres under the ryegrass pivot were irrigated in 2014.
- 3) Water right nos. 61-2111, 61-11885 and 61-301B ("the irrigation rights") are appurtenant to part of the area (approximately 122 acres) under the ryegrass pivot.
- 4) CDN secured a rental from the Water Supply Bank ("WSB") to irrigate 160 acres under the ryegrass pivot in 2014, from wells owned by CDN. The rental authorizes irrigation of lands under the ryegrass pivot that are outside the authorized place of use described by the irrigation rights.
- 5) The Department understands that the irrigation rights were not used to supply the ryegrass pivot in 2014, because water from the sources authorized under the irrigation rights was not available or delivered.
- 6) Pursuant to an investigation conducted by the Department, the Department concludes that CDN irrigated approximately 25 acres under the ryegrass pivot without a valid water right in 2014.
- 7) The Department issued and hand delivered an NOV to CDN and provided a copy of the NOV to their attorney, Bruce M. Smith ("Smith") on January 7, 2015.
- 8) CDN and Smith have agreed that negotiations with the Department to resolve the NOV could be conducted via telephone and email communication.
- 9) CDN contests that any excess irrigation under the ryegrass pivot that occurred in 2014 was intentional. CDN has provided the design specifications indicating that the area that could be irrigated by the ryegrass pivot is no more than 179 acres and asserts that some acreage that may have reflected irrigation was not directly irrigated by the pivot.

APPLICABLE LAW

- 1) Diversion of water and irrigation of land without a valid water right or use of water not in conformance with a water right constitutes a violation of Idaho Code §42-351.
- 2) The Department, on behalf of the director, may initiate an administrative enforcement action for designated violations of Title 42 of the Idaho Code, pursuant to Idaho Code §42-1701B.
- 3) Idaho Code §42-1701B allows the director to seek agreed civil penalties and other redress pursuant to an NOV and to execute a Consent Order and Agreement between the Department and the alleged violator to resolve an NOV.
- 4) For violations of Idaho Code §42-351, the Department may seek civil penalties up to three hundred dollars (\$300) annually for each acre irrigated without a valid water right or not in conformance with a water right.
- 5) Idaho Code §42-1701B provides that the recipient of an NOV is entitled to a compliance conference concerning the NOV. The compliance conference must be requested within 14 days of receiving the NOV.
- 6) Idaho Code §42-1701B(4) provides that the Department and the NOV recipient may enter into a consent order formalizing an agreement to remedy the violation and assure future compliance.

TERMS OF AGREEMENT AND ORDER

- 1) CDN and the Department agree that the communication referenced in background item no.8 above will be considered a compliance conference concerning the NOV.
- 2) Any excess irrigation that occurred in 2014 under the ryegrass pivot is agreed between CDN and the Department to be not more than 20 acres.
- 3) CDN agrees to reduce the area directly irrigated under the ryegrass pivot to 160 acres, consistent with the existing WSB rental agreement.
- 4) To resolve this matter, CDN agrees to pay a civil penalty in the amount of \$136 per acre, for 20 acres irrigated in excess of the WSB rental agreement in 2014. The total civil penalty agreed upon is \$2,720 and is due within 14 days of CDN's execution of this agreement.
- 5) Upon execution of this agreement and the Department's receipt of the agreed civil penalty as described above, NOV no. E2015-716 will be considered resolved.

Dated this 17th day of February, 2015



ROBERT B. WHITNEY
Water Compliance Bureau

CONSENT

Respondent acknowledges in general the facts set forth herein and accepts fully the terms and conditions of this Order. These terms shall become effective upon execution by the parties. Respondent waives any right to contest this Order and consents to the issue hereof.

Dated this 20th day of February, 2015


John McCallum, General Partner
Casa Del Norte, LP

Idaho Department of Water Resources Receipt

Receipt ID: C099967

Payment Amount \$2,720.00 Date Received 2/26/2015 11:31 AM Region STATE

Payment Type Check Check Number 18173

Payer IRON HORSE RANCH LLC

Comments ENFORCEMENT penalty NOTICE OF VIOLATION NO. E2015-716 FOR CASA DEL NORTE, LP

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$2,720.00	WATER RIGHTS PENALTY	55506	0229	22		1315


Signature Line (Department Representative)

RECEIVED

JAN 10 2001

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

Department of Water Resources

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-10349

2001 JAN -9 PM 2:31

FILED
TWIN FALLS CO., IDAHO



NAME AND ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
RT 1 BOX 445
GLENNS FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.26 CFS

PRIORITY DATE: 05/01/1973

POINT OF DIVERSION: T04S R09E S16 MWSWE Within Elmore County
S32 SWNWNE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 11-15 1.26 CFS

PLACE OF USE: Irrigation Within Elmore County
T04S R09E S28 S28W 40.0 NWSE 39.0
S29 SESE 20.0
S32 NENE 39.0 MWNE 39.0
SWNE 40.0 SENE 39.0
NENW 8.2 NESW 17.0
NESE 39.0 NWSE 40.0
S33 NWNE 29.0 SWNE 4.1
NENW 40.0 NWNW 39.0
SWNW 32.0 SENW 38.0
NESW 38.0 MWSW 39.0
SESW 35.5 NWSE 12.0
SWSE 1.7
708.5 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 708.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00322, 61-00323,
61-00326, 61-00327, 61-00330, 61-00331, 61-02038 & 61-04147.

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. I.C. SECTION 42-1412(6).

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 61-10349

PAGE 1
Jan-08-2001

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-10304

1998 NOV 19 PM 3:36
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
ROUTE 1 BOX 445
GLENN'S FERRY, ID 83623

SOURCE: SPRINGS TRIBUTARY: COLD SPRINGS CREEK, WEST FORK

QUANTITY: 0.23 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1890

POINT OF DIVERSION: T02S R09E S17 NESHNW -- Within Elmore County
S19 NWSNW
S20 NWSNE
S29 SWNWSE
NWSNE
SWNWSE
SWNWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 7 HOMES	01-01 TO 12-31	0.12 CFS
	Stockwater	01-01 TO 12-31	0.23 CFS

PLACE OF USE: Stockwater Within Elmore County
T02S R09E S17 SWNW
S19 SWNE
S20 NWSW NWSE
S29 SWNE NWSW
SWSW
Domestic Within Elmore County
T02S R09E S17 SWNW
S19 SWNE
S20 NWSE
S29 SWNW NWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-10296

1998 JAN 30 PM 1:14

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED --

NAME & ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
RT 1 BOX 445
GLENNS FERRY ID 83623

SOURCE: SPRINGS

TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 0.23 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1800

POINT OF DIVERSION: T04S R09E S16
S28
S33

NWSWSE
SESWSE
NWNWNW
NWSWNW

Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER
DOMESTIC 2 HOMES

PERIOD OF USE
01-01 12-31
01-01 12-31

QUANTITY
0.23 CFS
0.06 CFS

PLACE OF USE:

STOCKWATER
T04S R09E S28
S33

Within ELMORE County
NWSE
NWSW
SESW

SWSE
NENW

NWNW

SWNW

DOMESTIC
T04S R09E S33

Within ELMORE County
SWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RECEIVED

JAN 10 2001

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

In Re: SRBA of Water Resources

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-04147

2001 JAN -9 PM 2:31

FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
RT 1 BOX 445
GLENNS FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 10.00 CFS

PRIORITY DATE: 03/15/1971

POINT OF DIVERSION: T04S R09E S16 NWSWSE Within Elmore County
S32 SWNWNE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 05-01 10.00 CFS

PLACE OF USE: Irrigation T04S R09E S28 SESW 40.0 Within Elmore County
NWSE 39.0
S29 SESE 20.0
S32 NENE 39.0 NENE 39.0
SWNE 40.0 SENE 39.0
NENW 8.2 NESW 17.0
NESE 39.0 NWSE 40.0
S33 NWNE 29.0 SWNE 4.1
NENW 40.0 NNNW 39.0
SWNW 32.0 SENW 38.0
NESW 38.0 NWSW 39.0
SESW 35.5 NWSE 12.0
SWSE 1.7
708.5 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 708.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00322, 61-02038,
61-00326, 61-00327, 61-00330, 61-00331, 61-10349, 61-00323.

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. I.C. SECTION 42-1412(6).

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 61-04147

PAGE 1
Jan-08-2001

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JAN 10 2001

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

Department of Water Resources

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-02038

2001 JAN -9 PM 2:31

SRBA
FILED
IDAHO

NAME AND ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
RT 1 BOX 445
GLENNS FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.20 CFS

PRIORITY DATE: 07/10/1913

POINT OF DIVERSION: T048 R09E S16 NWSWSE Within Elmore County
S32 SWNWNE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 11-15 1.20 CFS

PLACE OF USE: Irrigation Within Elmore County

T048 R09E S28	SESW 40.0	NWSE 39.0
	SWSE 40.0	
S29	SESE 20.0	
S32	NENE 39.0	NWNE 39.0
	SUNE 40.0	SENE 39.0
	NENW 8.2	NESW 17.0
	NESE 39.0	NVSE 40.0
S33	NWNE 29.0	SWNE 4.1
	NENW 40.0	NWNW 39.0
	SUNW 32.0	SENW 38.0
	NESW 38.0	NWSW 39.0
	SESW 35.5	NWSE 12.0
	SWSE 1.7	

708.5 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 708.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00322, 61-00323,
61-00326, 61-00327, 61-00330, 61-00331, 61-10349 & 61-04147.

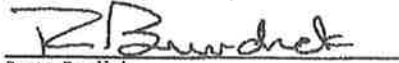
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-00331

2001 JUN 10 AM 8:18

TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
RT 1 BOX 445
GLENN'S FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION: T04S R09E S16 NWSWSE Within Elmore County
S32 SWNWSE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 11-15 1.00 CFS

PLACE OF USE: Irrigation Within Elmore County
T04S R09E S28 SESW 40.0 NWSE 39.0
S29 SWSE 40.0
S32 SESE 20.0
NENE 39.0 NWNE 39.0
SWNE 40.0 SENE 39.0
NENW 8.2 NESW 17.0
NESE 39.0 NWSE 40.0
S33 MWNE 29.0 SWNE 4.1
NENW 40.0 MWNW 39.0
SWNW 32.0 SEMW 38.0
NESW 38.0 NWSW 39.0
SESW 35.5 NWSE 12.0
SWSE 1.7

708.5 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 708.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00322, 61-00323,
61-00326, 61-00327, 61-00330, 61-02038, 61-10349 & 61-04147.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JAN 10 2001

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

Department of Water Resources

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-00330

2001 JAN -9 PM 2:31

FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
RT 1 BOX 445
GLENNS FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.36 CFS

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T04S R09E S16 NWSWE Within Elmore County
S32 SUNWE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 11-15 0.36 CFS

PLACE OF USE: Irrigation Within Elmore County
T04S R09E S28 SESW 40.0 NWSE 39.0
S29 SWSE 40.0
S32 SESE 20.0
NENE 39.0 NWNE 39.0
SWNE 40.0 SENE 39.0
NENW 8.2 NESW 17.0
NWSE 39.0 NWSE 40.0
S33 NWNE 29.0 SWNE 4.1
NENW 40.0 NWNW 39.0
SWNW 32.0 SENW 38.0
NESW 38.0 NWSW 39.0
SESW 35.5 NWSE 12.0
SWSE 1.7

708.5 Acres Total


USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 708.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00322, 61-00323,
61-00326, 61-00327, 61-02038, 61-00331, 61-10349 & 61-04147.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JAN 10 2001

Department of Water Resources

In Re SRBA

Case No. 39576

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-00327

2001 JAN -9 PM 2:30

FILED
JAN 10 2001
TWIN FALLS, IDAHO

NAME AND ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
RT 1 BOX 445
GLENN FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.50 CFS

PRIORITY DATE: 05/01/1879

POINT OF DIVERSION: T04S R09E S16 NWSWSE Within Elmore County
S32 SWNWE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 11-15 2.50 CFS

PLACE OF USE: Irrigation T04S R09E S28 SESW 40.0 Within Elmore County
S29 SESE 20.0 NWSE 39.0
S32 NENE 39.0 SENE 39.0
SWNE 40.0 NENW 8.2 NESW 17.0
NESE 39.0 NWSE 40.0
S33 NWNE 29.0 SWNE 4.1
NENW 40.0 NWNW 39.0
SUNW 32.0 SENW 38.0
NESW 38.0 NWSW 39.0
SESW 35.5 NWSE 12.0
SWSE 1.7
708.5 Acres Total


USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 708.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00322, 61-00323,
61-00326, 61-02038, 61-00330, 61-00331, 61-10349 & 61-04147.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JAN 10 2001

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

Division of Water Resources

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-00326

2001 JAN -9 PM 2:30

FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
RT 1 BOX 445
GLENN'S FERRY, ID 83623

SOURCE: COLD SPRING CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 05/01/1878

POINT OF DIVERSION: T04S R09E S16 NWSWSE Within Elmore County
S32 SWNWNE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 02-15 TO 11-15 1.00 CFS

PLACE OF USE: Irrigation T04S R09E S28 SESW 40.0 Within Elmore County
SWSE 40.0
S29 SESE 20.0
S32 NENE 39.0 NWNE 39.0
SWNE 40.0 SENE 39.0
NENW 8.2 NESW 17.0
NESE 39.0 NWSE 40.0
S33 NWNE 29.0 SWNE 4.1
NENW 40.0 NWNW 39.0
SWNW 32.0 SENW 38.0
NESW 38.0 NWSW 39.0
SESW 35.5 NWSE 12.0
SWSE 1.7
708.5 Acres Total

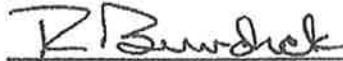
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 708.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00322, 61-00323,
61-02038, 61-00327, 61-00330, 61-00331, 61-10349 & 61-04147.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

JAN 10 2001

Department of Water Resources

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-00323

2001 JAN -9 PM 2: 29

FILED _____ F-SRBA
CO., IDAHO

POINT OF DIVERSION: T04S R09E S16 NWSWE Within Elmore County
S32 SW1/4NE

PLACE OF USE:	Irrigation		Within Elmore County
	T04s R09E S28	SESW 40.0	NWSE 39.0
		SWSE 40.0	
	S29	SESE 20.0	
	S32	NENE 39.0	NWNE 39.0
		SWNE 40.0	SENE 39.0
		NENW 8.2	NESW 17.0
		NESE 39.0	NWSE 40.0
	S33	NWNE 29.0	SWNE 4.1
		NENW 40.0	NWNW 39.0
		SWNW 32.0	SENW 38.0
		NESW 38.0	NWSW 39.0
		SESW 35.5	NWSE 12.0
		SWSE 1.7	
	706.5 Acres Total		

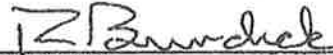
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 708.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00322, 61-02038, 61-00326, 61-00327, 61-00330, 61-00331, 61-10349 & 61-04147.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JAN 10 2001

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

In ~~Re~~ ~~Snake River Basin~~ ~~Water Resources~~
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-00322

2001 JAN -9 PM 2:29

FILED
JAN 10 2001
TWIN FALLS, IDAHO

NAME AND ADDRESS: DOUBLE ANCHOR RANCH INC
LYNN OR ELSIE RIGGS
RT 1 BOX 445
GLENN'S FERRY, ID 83623

SOURCE: SPRING TRIBUTARY: COLD SPRINGS CREEK

QUANTITY: 0.08 CFS

PRIORITY DATE: 05/01/1971

POINT OF DIVERSION: T04S R09E S33 SESWN Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	0.08 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R09E S33	SESW 33.0
	NESW 28.0	SWSE 1.7
	NWSE 12.0	
	74.7 Acres Total	

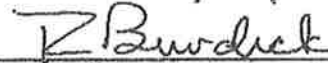
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 74.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00323, 61-00326,
61-00327, 61-00330, 61-00331, 61-02038, 61-10349 61-04147.

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
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

ADIN HALL and RUBY HALL,
husband and wife,

Plaintiffs,

-vs-

WILLIAM H. WALKER and
MARGARET WALKER, husband
and wife;

GILBERT C. WALKER and
LENA WALKER, husband and
wife;

WORTH E. WALKER and
PAULINE WALKER, husband
and wife;

GILBERT WALKER AND SONS, a
co-partnership, consisting of
GILBERT C. WALKER, LENA M.
WALKER, WORTH E. WALKER and
WILLIAM H. WALKER;

HAZEL ROWENA LEE, as executrix
of the estate of WORTH S. LEE,
also known as WORTH SCOTT LEE
and also known as WORTH S.
LEE, JR.;

HAZEL ROWENA LEE;

Defendants.

Civil No. 2248

D E C R E E

The plaintiffs herein being represented by Anderson, Kaufman,
Anderson & Ringert; the defendants William H. Walker and Margaret
Walker, Gilbert C. Walker and Lena Walker, Worth E. Walker and

PARRY, ROBERTSON & DALY
RECEIVED

NOV 13 1967
A.M. 10:19 11:11 12:11 1:11 2:11 3:11 4:11 5:11 6:11 7:11 8:11 9:11 10:11 11:11 12:11

Pauline Walker and Gilbert Walker and Sons, a partnership, being represented by Parry, Robertson & Daly, and the defendants Hazel Rowena Lee, individually and as executrix of the estate of Worth S. Lee, deceased, being represented herein by Hall & Rowett, and the said parties having executed and filed with the Court a written stipulation for the entry of a decree settling and adjusting the respective rights of the parties, NOW, THEREFORE;

Pursuant to the stipulation of the parties, IT IS HEREBY FOUND BY THE COURT AS FOLLOWS:

1. The defendants William H. Walker and Margaret Walker, husband and wife; Gilbert C. Walker and Lena Walker, husband and wife; Worth E. Walker and Pauline Walker, husband and wife; and Gilbert Walker and Sons, a co-partnership consisting of Gilbert C. Walker, Lena M. Walker, Worth E. Walker and William H. Walker, are hereinafter referred to collectively as the defendants Walker. Hazel Rowena Lee, as executrix of the estate of Worth S. Lee, also known as Worth Scott Lee and also known as Worth S. Lee, Jr., and Hazel Rowena Lee, individually, are hereinafter referred to collectively as defendants Lee.

2. The plaintiffs Adin Hall and Ruby Hall, husband and wife, have released, relinquished, transferred and conveyed to the defendants Lee all of their right, title, claim and interest in and to the waters of the Hot Springs, sometimes known as the Lee Hot Springs, located near the corner common to Sections Sixteen, Seventeen, Twenty and Twenty-one, Township Three South, Range Eight East, Boise Meridian, in Elmore County, Idaho, which waters flow into a creek known as Warm Springs Creek, and the said plaintiffs have transferred and conveyed to the defendants

Lee all of their right, title, claim and interest in and to all waters produced by the said Lee Hot Springs and to all waters from said springs flowing in Warm Springs Creek after being so produced, and that by virtue of such transfer and conveyance, the defendants Lee are now the owners of all of the rights of the plaintiffs in and to the waters produced at said Hot Springs and flowing therefrom into Warm Springs Creek.

3. The defendants Walker are the owners of an artesian well located in the Northwest Quarter of the Northeast Quarter of Section Eight, Township Four South, Range Nine East, Boise Meridian, in Elmore County, Idaho, drilled pursuant to Permit No. G25745 issued by the Department of Reclamation of the State of Idaho, which permit has a priority date of June 10, 1955, and which said well is hereinafter referred as the Walker well.

4. The defendants Lee are the owners of an artesian well located in the Northwest Quarter of the Southeast Quarter of Section One, Township Four South, Range Eight East, Boise Meridian, Elmore County, Idaho, which well was drilled pursuant to Permit No. G29317 issued by the Department of Reclamation of the State of Idaho, which permit has a priority date of January 19, 1961, and which said well is hereinafter referred to as the Lee well.

5. Waters flowing from the Lee Hot Springs and from the Walker well and the Lee well, both of which are artesian wells, all come from a common source of water in the same aquifer or the same subterranean body of water and the flow of water from both artesian wells tends to decrease, interfere with and eliminate the flow of the Lee Hot Springs.

6. Each tract of land herein described is arid in character and requires the artificial application of water to render such tract valuable for agricultural purposes and the amount of water awarded to each party under the provisions hereof is necessary for the successful irrigation and cultivation of the land to which the water is made appurtenant.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

61 0300 1. During the irrigation season of each year, which season is hereby established as beginning April 1 and ending on November 1, the defendants Lee shall have the right to use 125 ^{125"} miner's inches of continuous flow of water from the Lee artesian well, with a priority date of May 1, 1889, which amount of water represents and is in lieu of the flow of the Lee Hot Springs, and withdrawal of said water from the Lee well will constitute a change of the point of diversion and a change of the place of use of the entire flow of the Lee Hot Springs and of the waters flowing therefrom into Warm Springs Creek and shall be for use upon and shall be appurtenant to the following described land located in Elmore County, Idaho, to-wit:

The West Half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section One; the North Half, the Southwest Quarter and the West Half of the Southeast Quarter of Section Twelve; the Southeast Quarter of the Southeast Quarter of Section Eleven; the West Half of the Northeast Quarter, the North Half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section Thirteen; and the Northeast Quarter of the Northeast Quarter of Section Fourteen, all in Township Four South, Range Eight East, Boise Meridian.

S1	80	
	40	120
S12	320	
	160	
	80	560
S11	40	40
S13	80	
	80	
	40	
	40	
	40	280
S14	40	40
		1040

61 0301 2. During said irrigation season, the defendants Walker shall have the right to the use of 320 miner's inches of continuous flow of water from the Walker artesian well with a priority date of June 10, 1955, for use upon the following described lands located in Elmore County, Idaho, to-wit:

320 "

The Southwest Quarter, the West Half of the East Half, and the Southeast Quarter of the Southeast Quarter of Section Eight; the Southwest Quarter of the Southwest Quarter of Section Nine; the North Half of the North Half of Section Seventeen; the East Half of the Northeast Quarter, the North Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section Twenty-nine; the South Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section Ten; the West Half of the Northwest Quarter of Section Fifteen; the East Half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section Sixteen, all in Township Four South, Range Nine East, Boise Meridian.

58	160	
	160	
	40	360
59	40	40
517	160	160
529	80	
	80	
	40	200
510	80	
	40	120
515	80	80
516	80	
	40	120
		1080

61 0302 3. During said irrigation season, the defendants Lee, in addition to the rights provided for in paragraph 1 above, shall be entitled to and shall have the right to the use of 1000 miner's inches of continuous flow of water from the Lee well with a priority date of January 19, 1961, for use upon and which water shall be appurtenant to the real property of the defendants Lee described in paragraph 1 above.

4. "Neither the defendants Lee nor the defendants Walker shall have the right, without the consent of the other, to pump water from their respective wells."

5. For a period of three years from and after October 18, 1967, the defendants Lee shall not withdraw more than 200 miner's inches of continuous flow of water at any time from the Lee artesian well unless it is sooner determined to the satisfaction

of the defendants Lee and Walker that the water supply is ample for a larger withdrawal.

6. The right of the defendants Lee to withdraw 125 miner's inches of continuous flow under paragraph 1 above is hereby established as the first right in order of priority; that the right of the defendants Walker to withdraw 320 miner's inches of continuous flow is hereby established as the second right in order of priority and the right of the defendants Lee under paragraph 3 above to withdraw 1000 miner's inches of continuous flow is hereby established as the third right in order of priority; that if the Lee well does not produce an artesian flow of 125 miner's inches of continuous flow throughout each entire irrigation season, the defendants Walker shall reduce the flow of water from the Walker well in an amount sufficient to insure the continued artesian flow of 125 miner's inches of water from the Lee well throughout each entire irrigation season; that if the Walker well, subject to the foregoing limitation, does not produce an artesian flow of 320 miner's inches of water throughout each entire irrigation season, the defendants Lee will reduce the flow of water from the Lee well under the rights set forth in paragraph 3 above in an amount sufficient to insure the continued artesian flow of 320 miner's inches of water from the Walker well throughout each entire irrigation season, but in no event shall the defendants Lee be required to reduce the flow of their well below the 125 miner's inches recognized as a first right, as set forth in paragraph 1 above.

7. Before the start of the irrigation season for the year 1968, the defendants Lee and the defendants Walker shall each construct at their respective wells a permanent-type concrete

or metal weir adequate for accurate measurement of the water produced by their well; that both wells shall be maintained and equipped at the owner's expense with the necessary valves and equipment to control the flow of water from the wells and for capping and closing off completely the flow of water from said wells when the same are not in use; that both of said wells shall be kept closed at all times except during said irrigation season; provided, however, that during the nonirrigation season each of said parties shall be entitled to withdraw from their respective wells for domestic purposes, including water for livestock, an amount not to exceed one miner's inch of water.

*water master
control
provision*

8. At the written request of either the defendants Lee or the defendants Walker, transmitted to the other, the operation of both artesian wells shall be placed in charge of the water master of Bennett Creek, providing such water master be willing to take charge of and supervise the operation of the wells pursuant to this decree. If such water master be not so willing, then another person shall be selected by said parties to serve as water master, to take charge of the operation of the two wells in accordance with this decree; that if the parties are unable to agree upon such a water master, then he shall be selected by three arbitrators, one chosen by the defendants Lee, one by the defendants Walker and a third by the two thus chosen. The decision of any two of the three arbitrators shall determine who shall serve as water master. The expenses and compensation of such board of arbitrators and of the water master for services in connection with the operation of the wells and the cost of providing a pressure gauge shall be borne equally by the

defendants Lee and the defendants Walker.

9. The rights and duties of the defendants Lee and the defendants Walker shall inure to the benefit of and be binding upon the heirs, administrators, executors, successors and assigns of the said parties insofar as the same are related to the ownership of the land and the operation of the artesian wells above described, and each of said parties is hereby ordered to comply with the provisions of this decree.

10. All of the parties hereto, their agents, employees, attorneys, privies and successors in interest are, and each of them is hereby, enjoined and restrained from any and all interference with the enjoyment of the rights to the use of said subterranean waters, as set forth in this decree and the rights and priorities, as herein determined and awarded, be and each of them is hereby quieted and confirmed as against each and every party to this action.

11. All pleadings filed herein be and the same are hereby amended to conform to the terms of this decree and each party shall pay his own costs herein.

Dated this 6 day of November 1967.

J. Ray Burdick
District Judge

APPROVED:

ANDERSON, KAUFMAN, ANDERSON & RINGERT

By Frederic H. Anderson
Attorneys for Plaintiffs

PARRY, ROBERTSON & DALY

By Robert H. Parry
Attorneys for Defendants Walker

HALL & ROWETT

By Frederic H. Hall
Attorneys for Defendants Lee

STATE OF IDAHO
County of _____
I, _____, Clerk of the Court, do hereby certify that the foregoing is a true and correct copy of the original of the within and is filed for record in the office of the Clerk of the Court.

Witness my hand and the seal of the Court at _____
this _____ day of _____ 1967.
Clerk

MEMORANDUM

TO: Lee-Walker-Hall File

FROM: Paul Castelin

DATE: March 24, 1993

SUBJECT: Results of field visit March 23, 1993

Ken Neely, Lori Graves and I met initially with Bill McGrew, the owner of the wells that we wanted to visit, about 9:00 a.m. The purpose of the visit is to determine what needs to be done in order to conduct a water rights licensing exam on Bill McGrew's Two-Plus well. The well is a geothermal well in a confined aquifer with some pressure at land surface, with no pump, so an exam will need to determine an appropriate sustained rate that the well can be licensed for. Bill's wife took us to the Lee, 2+, and Walker wells. Later, we met with John McGrew, who returned with us to the Walker well and then took us to the Ross well. All wells were located using a Trimble GPS receiver; locations given below are approximate. Pressure readings were done with a Weksler 30-psi liquid-filled gage. Bill McGrew - 366-2480; John McGrew - 366-2201.

Lee Well: 4S-8E-01dba; about 3400 foot elevation. 12-inch diameter production casing, 14-inch surface casing. Under considerable pressure, valves leaking big time (>50 gpm), in need of immediate repair. No place for suitable temperature or pressure determination. Flexible hose coupling on well head can be used for future pressure readings during a well test, but will require the fitting of a 3¼-inch male 3-4 inch nipple, with sufficient reducers to bring orifice down to ¼-inch NPT.

Two-Plus: 4S-9E-09dda; about 3440 elevation. Has brass stopcock and gage (inoperative) on top casing flange. Pressure measured at 12psig, at 10:30 a.m. 3/23/93, with the 1¼-inch discharge on the north side of the casing open, flowing 20-30 gpm. Shut-in pressure showed no change on the gage. Temperature measured at the 1¼-inch discharge pipe was 59°C. (138°F.). The discharge pipe is 11 inches in diameter, about 5 feet long, with the discharge valve at the extreme outboard end. To equip the well for discharge measurements, an extension at least 6 feet long with either a threaded or flanged end will need to be installed, incorporating a pressure port at the horizontal midline of the pipe extension, about 4 feet downstream of valve. John McGrew is interested in building one for us, especially since it can also be used to adjust discharge from the well for normal operations.

Walker: 4S-9E-08aba; about 3470 elevation. Casing diameter is 14-inch, with two discharge pipes exiting the casing to the west. One discharge line (the upper) is 14 inch O.D., reducing by means

of a flange to about 11 inches O.D., in which line a valve is placed. Also, incorporated in the concrete pad of the well is an 8-inch O.D. discharge line culminating in a valve. A 1/4-inch NPT brass stopcock is situated in the middle of a blind flange on top of the casing. The stopcock is situated on top of a stack of reducing bushings having across-the-flats measurements of 2 1/4, 2, 1 1/4, 1 1/2, 1, and 7/8 inches. Pressure measured at the stopcock was less than 1psig. Concrete pad had name of Walker marked in it.

Ross: 4S-8E-36cda; about 3402 elevation. Well was discharging to an elevated cooling device of perforated 8-inch pipe; no estimate of flow, but probably less than 100 gpm. A 2-inch line from the well to a nearby house may have been discharging an additional small quantity of water, since it is reportedly used for space heating and hot water use in the house, but the valve is very stiff, maybe inoperative. The well is also equipped with a hose bib on the north side of the well and a brass stopcock with pressure gage mounted in the middle of a steel plate welded to the top of the casing.

Pressure at the stopcock measured 21.8 psig at 1150 3/23/93. Temperature measured at the hose bib was 68.5°C. (155°F.). Concrete pad has Lukehart name marked in it. Would be a good observation well for well tests since it has good means of shutting in and ports for monitoring pressure.

Bill Walker: Lives in a house located in 4S 9E 18bda. Was one of the litigants in the original lawsuit leading to the decree which controls the amount and operation of the Lee-Walker-Hall wells (which now are all under the ownership of Bill McGrew). Bill Walker clarified that our location of the Blackwell well was wrong; rather than being in his location, he showed a location in 4S-9E-05dbd or 05dcb. Also, he offered the use of information in his head and files relating to data collected, or any other aspect of the thermal water system in the area.

Ron Hiddleston: visited briefly with Ron to find out if he happened to have a suitable flange for John McGrew to construct a decent discharge pipe. As it turned out, he didn't, but recommended Paramount Supply in Boise, 345-5432, for parts.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

EXHIBIT

225

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MEMORANDUM

To: Lori Graves
From: Paul Castelin *PMC*
Date: May 27, 1993
Subject: Two-Plus Aquifer Test Results

This is a summary of events that took place during the instrumentation and conduct of the aquifer testing using the Two-Plus well as the production well and the Walker and Ross wells as observation wells. There are also some comparisons to results from previous aquifer tests. Personnel involved included Lori Graves, Ken Neely, Lin Campbell, and Paul Castelin.

Hydrogeology of the Aquifer System:

Well logs of wells completed in this thermal aquifer show that it is predominantly a fracture-dominated silicic-volcanic rock confined system, probably very similar to faulted, silicic volcanic aquifer systems that have been developed by wells in Owyhee County and to a lesser extent at Boise. Most of the wells completed in the system are sub-parallel to the Mount Bennett Hills a couple of miles to the north and trending about northwesterly (Figure 1). It is very likely that all wells are completed in or near faults known to exist along the north margin of this part of the Western Snake River Plain, implying that aquifer characteristics will be strongly influenced by the preferred orientation of faults/fracture sets. No suitable observation wells were found lateral to the trend of the fault system to test this hypothesis, however.

Instrumentation:

The Two-Plus and Ross wells were equipped with liquid-filled 30-lb. pressure gauges teed also to a Unidata data logger querying a Unidata 0-145-lb pressure transmitter. Each well location was logged using a Trimble Basic global-positioning system unit.

Results and Uses for Constant-Rate and Recovery Data:

Observation well data from the Walker well during the constant-rate flowing of the Two-Plus well at about 1,800 gpm indicates a highly-transmissive system. Using both the Theis and Cooper-Jacob analytical methods for the drawdown phase of the test, the transmissivity (T) of the aquifer was estimated to be about 325,000 gpd/ft, with a storativity of about 0.00006. These values indicate that the drawdown for a given period of time is relatively low, but very widespread, and indicate a confined aquifer of very limited compressibility. Since this test was run for only 300 minutes, the value of T represents a relatively small part of the aquifer around the Two-Plus well. Recovery data from the test was slightly more difficult to interpret, but did provide similar results: a transmissivity of about 378,000 gpd/ft.

Tests run by IDWR in 1978, however, obtained values for transmissivity of about 39,000 gpd/ft, about one order of magnitude smaller than our results. This occurred because the 1978 test, run for three days, did identify a negative boundary that reduced the effective transmissivity. Keith Anderson, a private consultant, performed a four-day test in 1964, flowed the Lee well about 1,125 gpm (2.5 cfs), and monitored the pressure changes at both the Lee and Walker wells. His test data show yet another negative boundary encountered after about a day and a half (2,100 minutes). The drawdown versus time plot for his data after 2,100 minutes indicates an effective transmissivity of about 29,600 gpd/ft. Because of the length of his test and the appearance of aquifer boundaries late in the test, Anderson's data is best for making longer-term predictions of the season-long effects of flow. These are discussed below.

Comments about Licensing of Two-Plus Well:

I'm no authority on the licensing process, but I can give you some ideas to consider. First, the Two-Plus, Walker, and Lee wells are all completed in the same aquifer system (the Ross well is not) and therefore mutually interfere when flowing. Not all the wells are at the same elevation, so as in this case, when the aquifer is confined and the wells free-flow, the well highest in elevation will cease flowing first, the next lowest second, and so on as the irrigation season (and withdrawals from the system) progresses. Figure 2 shows the concept; the dashed lines indicate the progressive decline of the water table as the irrigation season progresses.

The Two-Plus well was capable of producing 1,800 gpm for the 300-minute duration of the constant-rate drawdown test with a 9-inch orifice on the end of the 10.25-inch I.D. discharge pipe. Only about 6.7 feet of drawdown was still available at the end of the 300-minute period. Using Anderson's value for T of 29,600 gpd/ft, a rate of 1,800 gpm could be sustained throughout a 210 day irrigation season if an initial

Even though the pressure transmitters had much too large a range (and therefore poor resolution and accuracy at the low range) we decided to see what results we would get. The Walker well was instrumented with an In-Situ Hermit 2000 datalogger with a 10 psia transducer set at about 5.42 feet below the top plate of the casing flange.

Conduct of Testing:

Wells were instrumented on Friday, April 2, with a multiple-step flow test to be run Monday, April 5. Following the multiple-step test, the wells would be allowed to recover overnight. On April 6, a constant-rate test was initially anticipated to be run for 48 hours, followed by measurements of recovery until about 90% of the recovery was complete. Antecedent trend of water levels in the aquifer system were monitored from April 2-5.

Results and Uses for the Multiple-Step Data:

Multiple-step flow tests were run April 5, at rates of 300, 600, 1200, and 1800 gallons per minute (gpm). A fifth step of 2400 gpm was attempted but even with the gate valve full open, it was impossible to obtain 2400 gpm. Maximum flow rate was estimated to be about 2000 gpm (4.5 cfs). Full recovery of pressures was allowed at the end of each step before the next step was started. Recovery was extremely rapid following each step, usually being complete within very few minutes. Each step was run for 25 minutes. Results are as follows:

<u>Step</u>	<u>Rate (gpm)</u>	<u>Drawdown (ft)</u>
1	300	1.4
2	600	3.7
3	1,200	10.3
4	1,800	23.0

Plotting the results on log-log paper, Discharge vs. Drawdown, (Figure 2) it was apparent that drawdown was not proportional to discharge at the 1,800 gpm rate, indicating some well loss due to turbulent flow in the fractures supplying the well, not an unusual or unexpected result. High well loss reduces the amount of available drawdown, and should be avoided when aquifer system pressures are low. To maximize the amount of flow for the drawdown, long-term operation of this well should probably not exceed about 1,200 gpm. For short-term periods of flow, this is not as important, as recovery of water levels occurs between periods of flow.

wellhead pressure of about 40 psig existed at the beginning of the season. This April, near the high-pressure peak for the year, the wellhead pressure was only 13 psig. From the step-testing we know that zero drawdown is reached within minutes with the valve full open and certainly well short of 2,400 gpm. Therefore, with a starting wellhead pressure of about 13 psig, the flow rate from Two-Plus alone that could be sustained for the entire irrigation season is only about 200 gpm.

It should be remembered, however, that when the Two-Plus well was tested no other wells were flowing, therefore they were not interfering with the Two-Plus well. In actual operation, with other wells such as the Walker and Lee flowing, the Two-Plus may produce significantly less than 2,000 gpm, even over the short term, and less than 200 gpm over the irrigation season.

It's a tough one to know how to license the Two-Plus individually. With no ability to pump the well, once the pressure in the system declines, they're done. Once the pressure head declines below the Walker well discharge, that leaves only Two-Plus and Lee wells capable of flowing. As heads continue to decline, Two-Plus will cease flowing first, then the Lee well. As long as all wells are owned by one owner, we should license for total amount required for irrigation, stock, and whatever uses are itemized on the permit. If the pressure in the aquifer is high enough, the water will be available, if not, it won't. If the property is subdivided, it becomes a whole new ball game, and we'll need to deal with that as it comes. A condition or conditions may need to be put on the license saying something to the effect that upon subdivision the specific water rights will need to be re-negotiated.

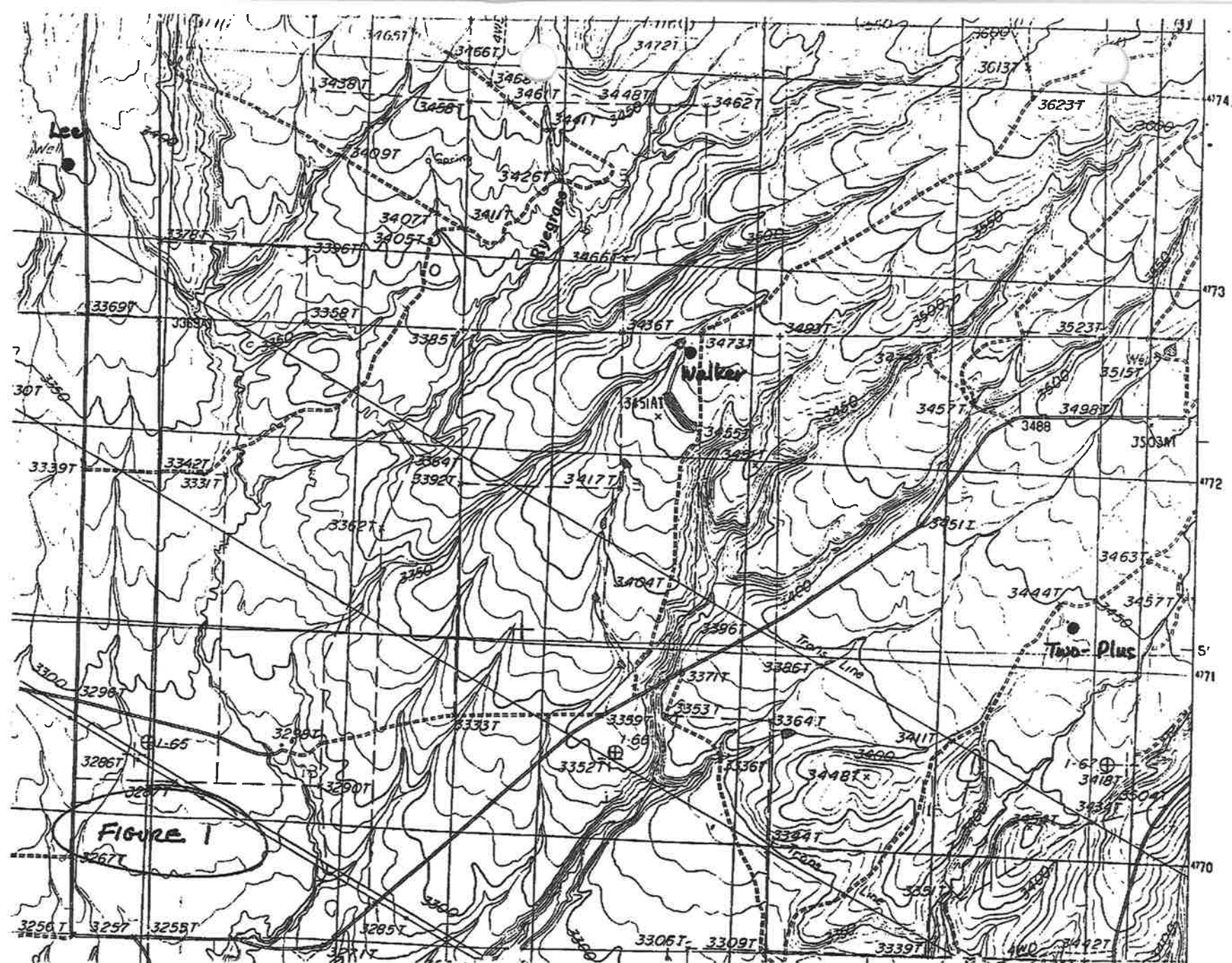
References:

Anderson, Keith E., 1964, Well Interference Study Near Mountain Home, Idaho for Worth S. Lee Estate, 5 p.

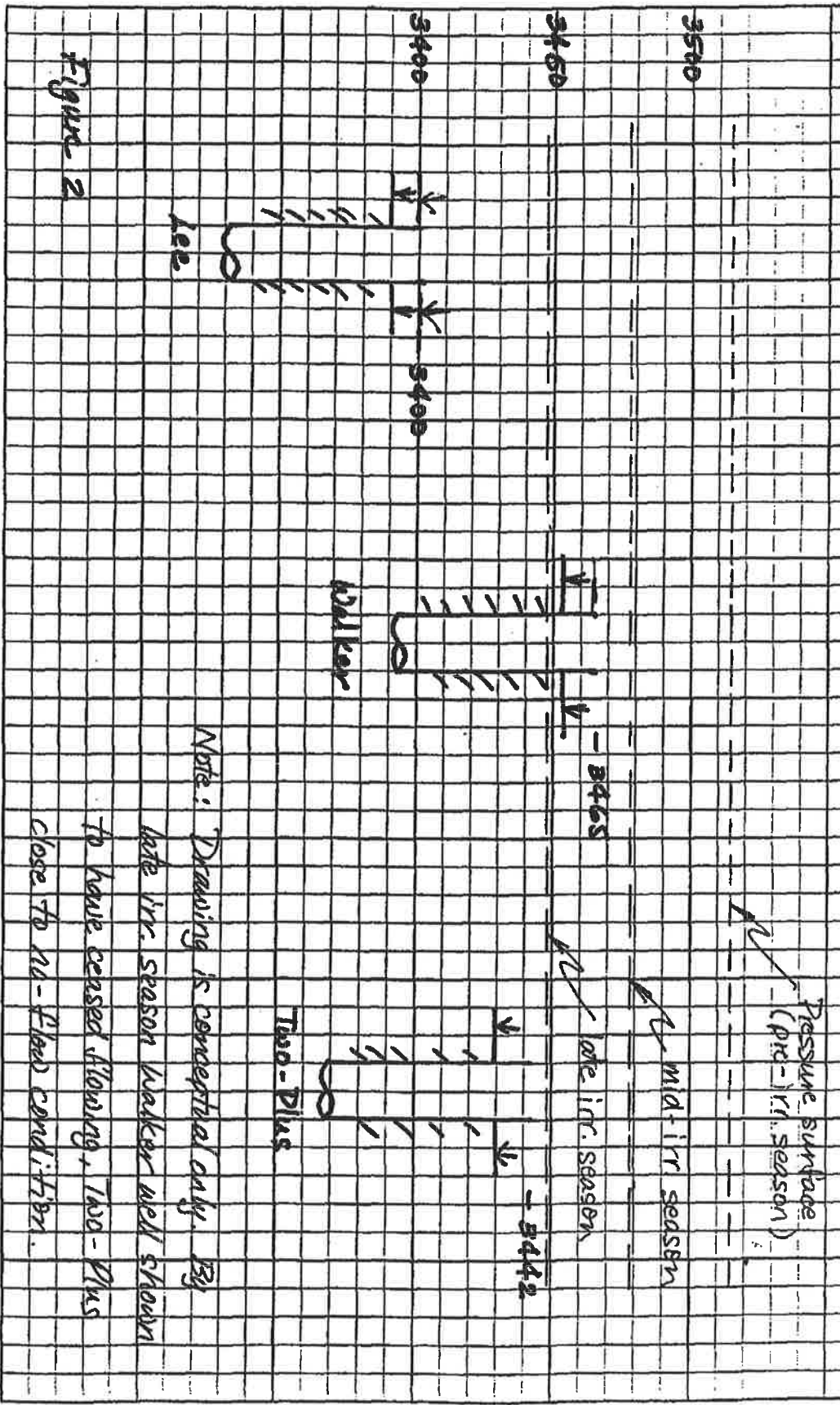
Driscoll, Fletcher G., ed., 1986, Groundwater and Wells, 2nd Ed., 1089 p.

IDWR Open-File Report, 1978, Results of Walker-Lee-Two Plus Well Test, Elmore County, Idaho, 23 p.

Freeze, R.A. and John A. Cherry, 1979, Groundwater, 604 p.



5/5/93
D. Castellan



Note: Drawing is conceptual only. By late irr. season walker well shown to have ceased flowing, Two-Plus close to no-flow condition.