



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082
PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

February 27, 2015

To: Eric Herr, Watermaster 65A

Re: Your telephone questions today

Young received approved Transfer 74880 to dry up acres next to creek and move that use uphill towards highway.

Transfer 74880 allows diversion of 0.15 cfs from Squaw Creek under 1889 and 1966 priorities, same amount for each and total is not additive. Note the same diversion is also authorized for use by Probst and the Squaw Creek Ditch Company.

This required moving some Squaw Creek Ditch Company water away from same acres by creek to prevent an expansion of use for Young. Ditch Company received approved Transfer 76301 for that. That relocated ditch shares away from creek to be used uphill on Young's place.

I've enclosed some maps and printouts about this situation.

Land retired from irrigation under Transfers 74880 and 76310 cannot be irrigated under any water rights. Irrigating that retired land could result in IDWR rescinding approval of Transfer 74880, which would probably result in same thing for ditch company transfer since they are a package deal.

Additional results could include a Notice of Violation for illegal diversion of water by the irrigator.

As Watermaster, you are not obligated to deliver water you know will be used on unauthorized land. Should you have any problems in this regard, please call this office for assistance in enforcing diversion and use of water. It's probably better for IDWR to assume the enforcement role to give you more "elbow room" to do the job.

Best regards,

Steve Lester
Interim Western Region Manager

Enclosure








CC → WD 65A, 2015 file

Idaho Department of Water Resources

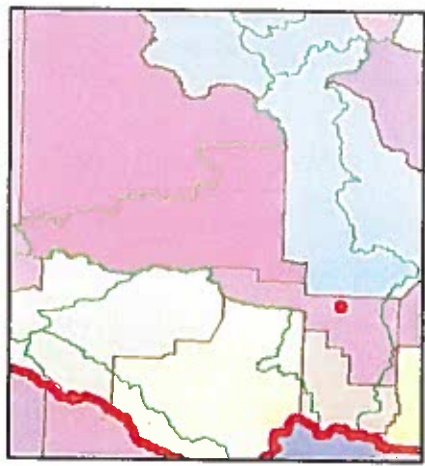


Water Right
65-23364

(IRRIGATION)

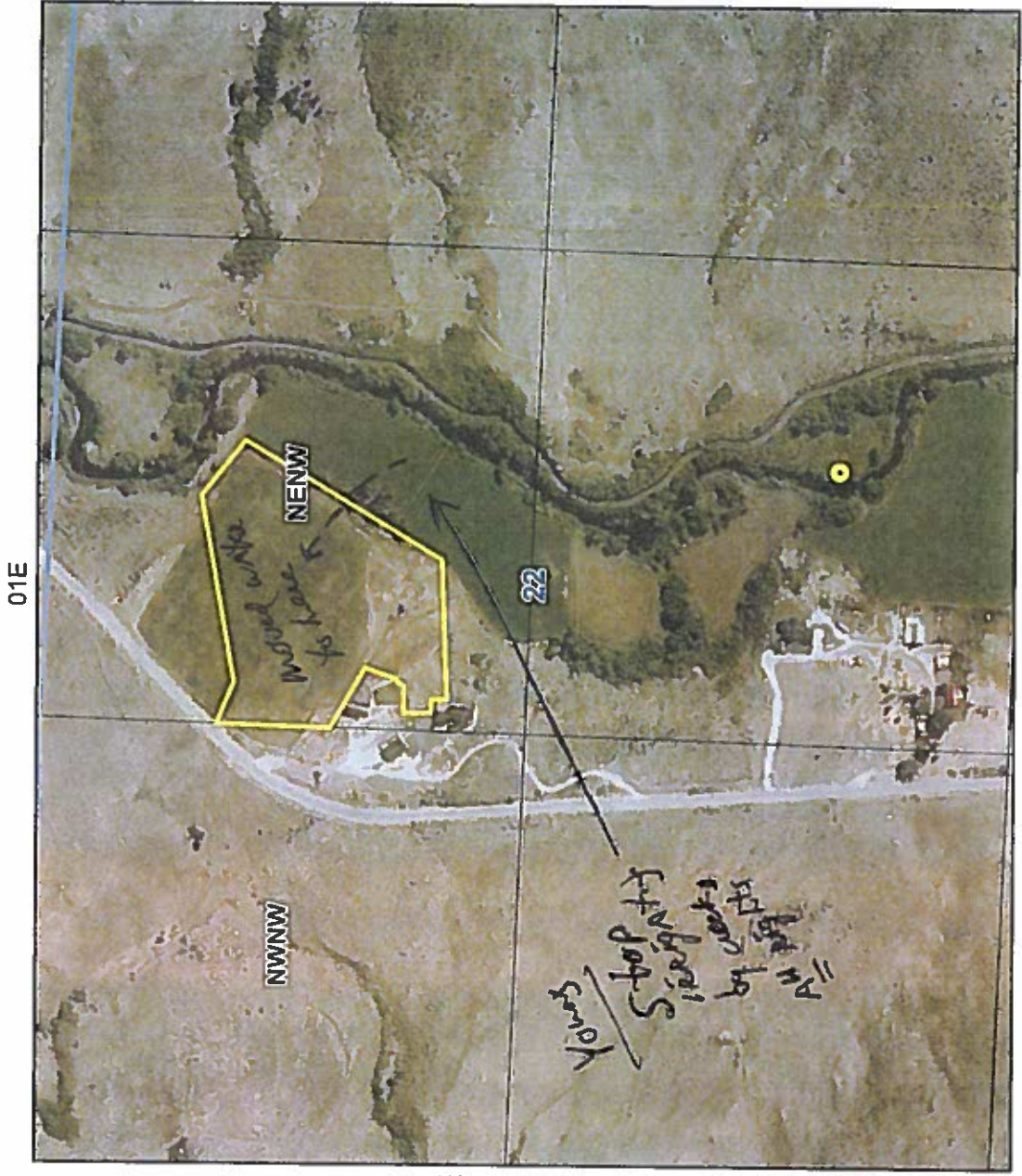
-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

After Transfer for approval 7/28/82



Gem County
IDWR Basin 65

Prepared by Lester, Steve
On February 27, 2015
Background: 2009 Aerial Photography



Owner: Michael Young

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Idaho Department of Water Resources

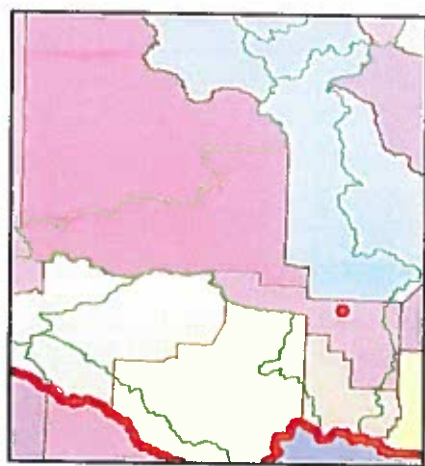


Water Right
65-23367

(IRRIGATION)

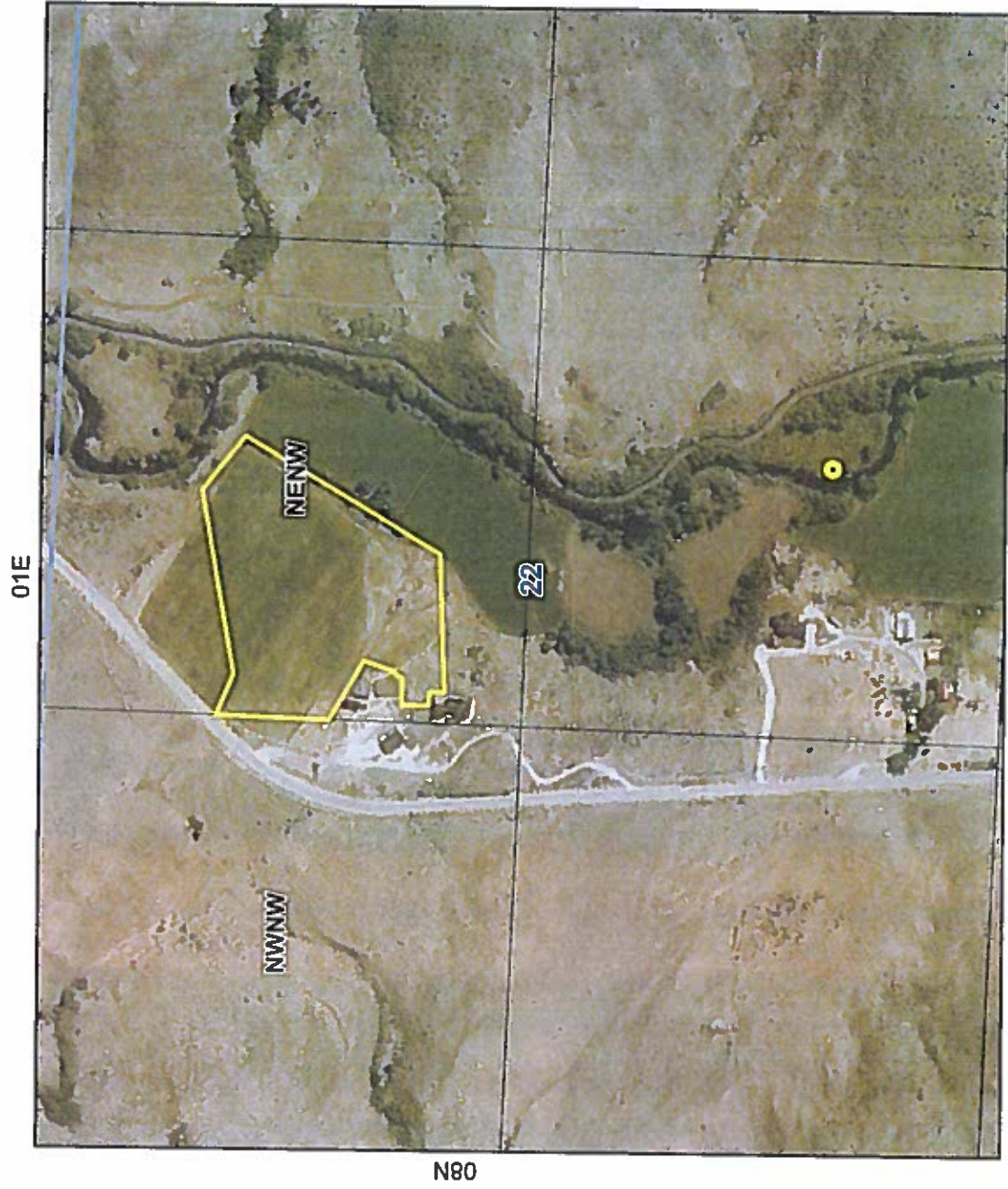
- Point of Diversion
- Place of Use
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- Taxlots

SOME AS 63-23364



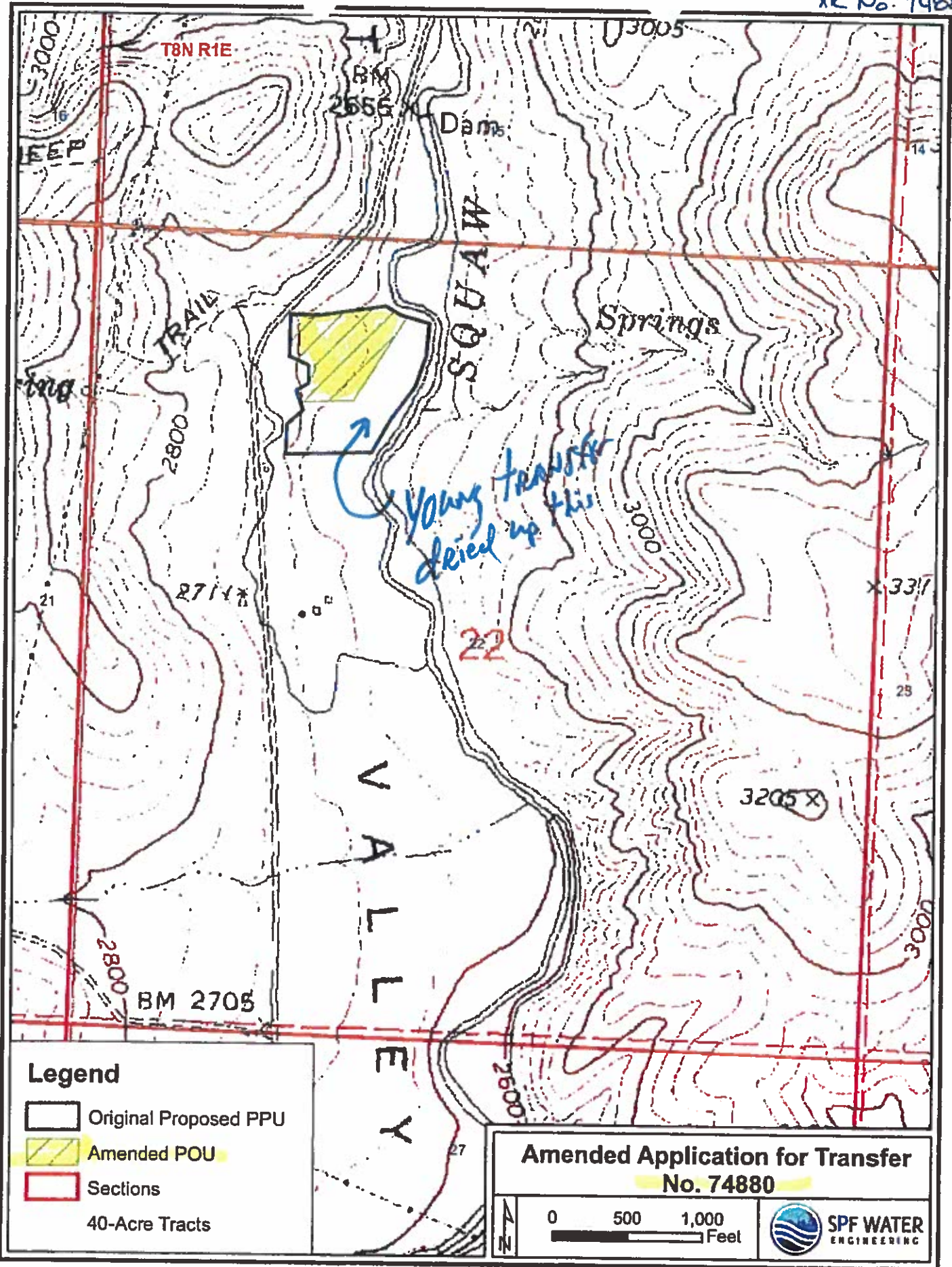
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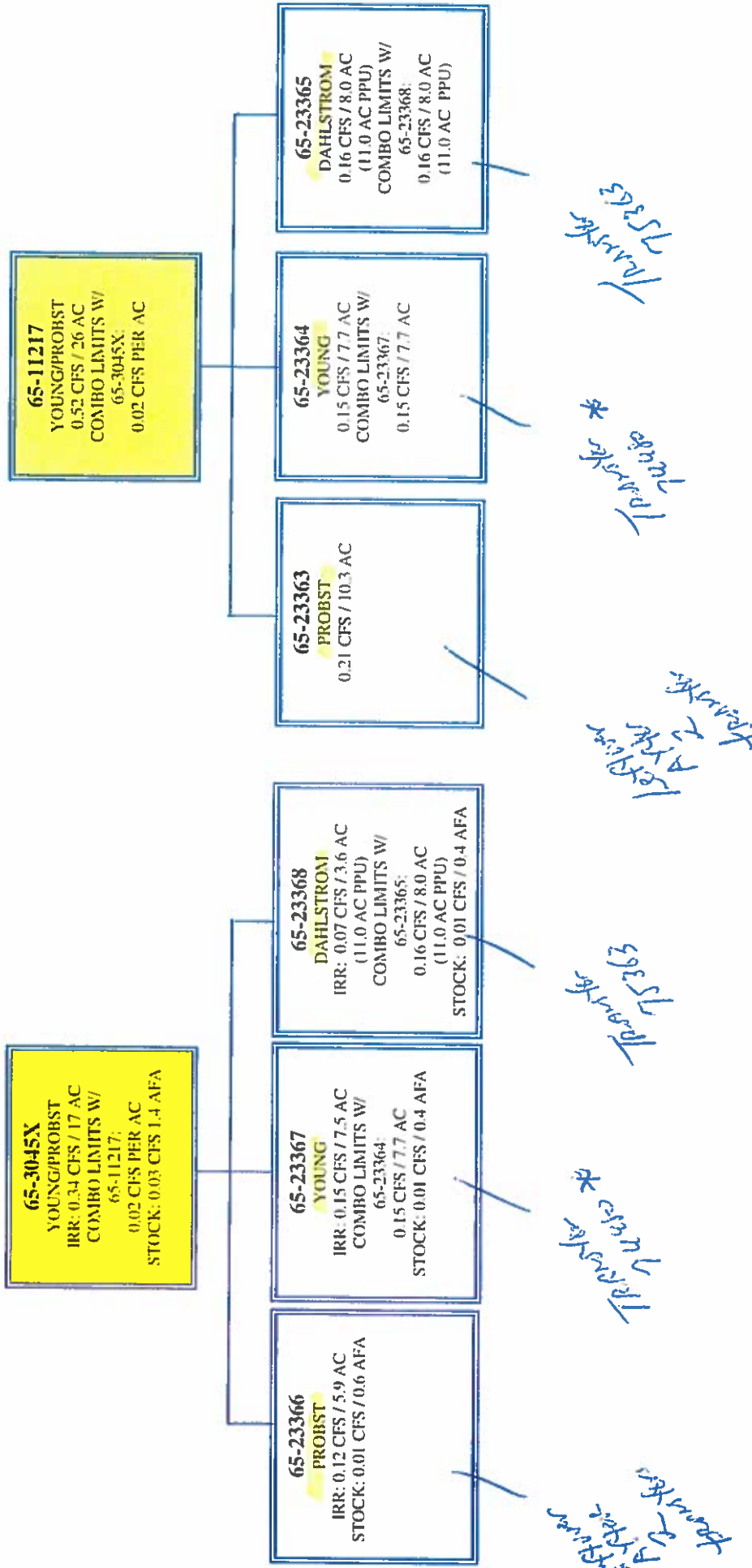
Legend

- Original Proposed PPU
- Amended POU
- Sections
40-Acre Tracts

**Amended Application for Transfer
No. 74880**



65-3045X & 65-11217 YOUNG/PROBST SPLIT TREE



* D. del company transfer 73601 moved
Young's child shares to same Aves
 id transfer 74450 same
 (same same week)

RIGHTS HAVE BEEN SPLIT AND ARE NO LONGER ACTIVE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74880

This is to certify that: MICHAEL YOUNG And/Or
MARY H YOUNG
11600 OLA RD
SWEET ID 83670
208-584-3747

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
65-23364	WR/Decreed	06/23/1966	0.15 cfs	N/A	N/A	7.7	SQUAW CREEK
65-23367	WR/Decreed	02/16/1889	0.15 cfs	N/A	N/A	7.5	SQUAW CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
65-23364	NO	NO	YES	NO	NO	NO
65-23367	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
65-23364	65-23364	0.15 cfs	N/A	7.7	8.0	N/A	N/A	N/A	N/A	N/A
65-23367	65-23367	0.15 cfs	N/A	7.5	8.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.15 cfs	N/A	7.7	8.0		N/A	N/A	N/A	N/A

irrigated 7.7 w 8 acres

Detailed Water Right Description(s) attached

Dated this 4th day of May, 2010

John Westra
John Westra, Western Regional Manager

SUPPORT DATA

IN FILE # 65-23364

Scanned documents on website

WATER RIGHT NO. 65-23364
As Modified by Transfer No. 74880

In accordance with the approval of Transfer No. 74880, Water Right No. 65-23364 is now described as follows.

Right Holder: MICHAEL YOUNG And
MARY H YOUNG
11600 OLA RD
SWEET ID 83670

Priority Date: June 23, 1966

Source: SQUAW CREEK **Tributary:** PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	0.15 CFS
			0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:
SQUAW CREEK SENW Sec. 22 Twp 08N Rge 01E GEM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	01E	22					8.0												8.0

Total Acres: 8

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. This right is limited to the irrigation of 7.7 acres within the authorized place of use in a single irrigation season.
5. Rights 65-23364 and 65-23367 when combined shall not exceed a total diversion rate of 0.15 cfs and the irrigation of 7.7 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 65-23364
As Modified by Transfer No. 74880

CONDITIONS OF APPROVAL

- 7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65A Squaw Creek.
- 8. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 9. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
- 10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- * 11. The following rights are diverted through point of diversion described above: 65-2379, 65-3043, 65-3044, 65-23363, 65-23364, 65-23366, and 65-23367.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4th day of May, 2010


John Westra, Western Regional Manager

* Young 65-23364 + 23367 = 15 cfs
 Pruditt - 23363 + 23366 = 33 cfs
 Ditch Company - 2379 + 3043 + 3044 = 28.94 cfs

decrease MSWD canal by any amount Ditch company diverts from creek downstream from MSWD canal

WATER RIGHT NO. 65-23367
As Modified by Transfer No. 74880

In accordance with the approval of Transfer No. 74880, Water Right No. 65-23367 is now described as follows.

Right Holder: MICHAEL YOUNG And
 MARY H YOUNG
 11600 OLA RD
 SWEET ID 83670

Priority Date: February 16, 1889

Source: SQUAW CREEK **Tributary:** PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.01 CFS	0.4 AF
IRRIGATION	04/01	to 11/01	0.15 CFS	
			0.15 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SQUAW CREEK SENW Sec. 22 Twp 08N Rge 01E GEM County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE			NW			SW			SE			Totals				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N 01E 22																	

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE			NW			SW			SE			Totals				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N 01E 22																	8.0

Total Acres: 8

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

WATER RIGHT NO. 65-23367
As Modified by Transfer No. 74880

CONDITIONS OF APPROVAL

6. This right is limited to the irrigation of 7.5 acres within the authorized place of use in a single irrigation season.
7. Rights 65-23364 and 65-23367 when combined shall not exceed a total diversion rate of 0.15 cfs and the irrigation of 7.7 acres.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65A Squaw Creek.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion from Squaw Creek and at the points where Big and Little Cottonwood, Rattlesnake, and Brush Creeks are tributary to Squaw Creek. Water diverted under this right from Squaw Creek shall not exceed water flow reaching Squaw Creek from said tributaries.
12. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977. This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
14. Stockwater use is for 50 range cattle.
15. The following rights are diverted through point of diversion described above: 65-2379, 65-3043, 65-3044, 65-23363, 65-23364, 65-23366, and 65-23367.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4th day of May, 2010


John Westra, Western Regional Manager

