

Cefalo, James

From: Cefalo, James
Sent: Wednesday, November 07, 2018 11:36 AM
To: 'Luke Marchant'; James Speck; 'andersenangus@gmail.com'
Subject: Application for Transfer 81268 (Sorensen)
Attachments: 11-7 Draft Transfer Approval 81268.pdf

Dear Parties:

On August 29, 2018, we started an administrative hearing for contested Application for Transfer 81268. Part of the way through the hearing, you were able to reach a settlement of the issues of protest. The agreement, to cap the diversion rate of the proposed well to 2.27 cfs, was to be memorialized in a private agreement. The transfer approval would then refer to the private agreement.

Attached is a draft transfer approval. Condition #6 is the standard condition used when the parties to a contested case have a separate settlement agreement. If the private agreement is recorded with Butte County, I can add the county and instrument number to Condition #6 in a parenthetical. However, a reference to the specific instrument number is not necessary.

Please let me know if you have any concerns with the draft approval. If the draft approval is satisfactory, the protest can be withdrawn with reference to the 11-7 Draft Transfer Approval.

James Cefalo
Water Resources Program Manager
IDWR Eastern Region
(208) 525-7161

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81268**

This is to certify that: ELAINE R SORENSEN AND
MITCHELL D SORENSEN
3871 W 2500 N
MOORE, ID 83255

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-2424B	WR/DECREED	6/13/1961	2.270 cfs	371.0 af	N/A	106.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
34-2424B	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
34-2424B	34-2424B	2.270 cfs	371.0 af	N/A	106.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.270 cfs	371.0 af	N/A	106.0		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this _____ day of _____, _____.

Chief, Water Allocation Bureau

WATER RIGHT NO. 34-2424B
As Modified by Transfer No. 81268

In accordance with the approval of Transfer No. 81268, Water Right No. 34-2424B is now described as follows:

Right Holder: MITCHELL D SORENSEN AND
 ELAINE R SORENSEN
 3871 W 2500 N
 MOORE, ID 83255

Priority Date: 6/13/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	2,270 cfs 2,270 cfs	371.0 af 371.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L1 (NENE) Sec 5 Twp 04N Rge 26E BUTTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	26E	5	32.1	35.2	38.7														106.0
			L 1	L 2															

POU Total Acres: 106.0

CONDITIONS OF APPROVAL

1. Rights 34-2424B and 34-10319 when combined shall not exceed a total diversion rate of 3.12 cfs and the irrigation of 116 acres.
2. Use of water under this right may 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. 34.
3. Prior to the diversion and use of water under Transfer approval 81268, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

Transfer No. 81268

WATER RIGHT NO. 34-2424B
As Modified by Transfer No. 81268

CONDITIONS OF APPROVAL

5. The diversion and use of water described in Transfer 81268 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.