

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81600

AMENDED

This is to certify that: DOUGLAS ROBINS AND
PAMELA L ROBINS
1959 FUREY LANE
MAY, ID 83253

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
73-10055	WR/DECREED	2/18/1926	3.200 cfs	N/A	305.9	317.0	PAHSIMEROI RIVER
73-192	WR/DECREED	8/25/1884	6.400 cfs	N/A	305.9	317.0	PAHSIMEROI RIVER
73-7041	WR/DECREED	4/17/1979	1.640 cfs	480.0 af	160.0	317.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
73-10055	NO	YES	YES	NO	NO	NO
73-192	NO	YES	YES	NO	NO	NO
73-7041	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
73-10055	73-10055	3.200 cfs	N/A	305.9	317.0	N/A	N/A	N/A	N/A	N/A
73-192	73-192	6.400 cfs	N/A	305.9	317.0	N/A	N/A	N/A	N/A	N/A
73-7041	73-7041	1.640 cfs	480.0 af	160.0	317.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		11.240 cfs	N/A	305.9	317.0		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 25th day of September, 2017.



Pamela S. Skaggs, Water Rights Supervisor

WATER RIGHT NO. 73-192
As Modified by Transfer No. 81600

In accordance with the approval of Transfer No. 81600, Water Right No. 73-192 is now described as follows:

Right Holder: PAMELA L ROBINS
DOUGLAS ROBINS
1959 FUREY LANE
MAY, ID 83253

Priority Date: 8/25/1884

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

6.400 cfs

6.400 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER NESW

Sec 35 Twp 14N Rge 22E CUSTER 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	
14N	22E	27							34.0	31.0	39.0			40.0	31.0	17.0	36.0	19.0	247.0
14N	22E	34	2.0	36.0			32.0												70.0

Right Acre Limit: 305.9

POU Total Acres: 317.0

CONDITIONS OF APPROVAL

1. Rights 73-192, 73-7041 and 73-10055 when combined shall not exceed the irrigation of 305.9 acres.
2. Whenever the right holder is commingling water diverted pursuant to Right 73-7041 and applying it through the common sprinkler system with water diverted pursuant to Right 73-192 and/or Right 73-10055, the rights shall be limited to the 160 acres authorized for irrigation under Right 73-7041.
3. Rights 73-192, 73-7041 and 73-10055 are limited to the irrigation of a specific 305.9 acres within the 317 acre place of use authorized by this right in a single irrigation season. The specific 305.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the Department. Before changing the 305.9 acres to be irrigated within the 317 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 81600

WATER RIGHT NO. 73-192
As Modified by Transfer No. 81600

CONDITIONS OF APPROVAL

4. 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. 73.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre when delivered via pump and pressurized irrigation system, nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. This right does not grant any right-of-way or easement across the land of another.
9. The following rights are diverted through point(s) of diversion described above: 73-182, 73-192 and 73-10055.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-7041
As Modified by Transfer No. 81600

In accordance with the approval of Transfer No. 81600, Water Right No. 73-7041 is now described as follows:

Right Holder: PAMELA L ROBINS
DOUGLAS ROBINS
1959 FUREY LANE
MAY, ID 83253

Priority Date: 4/17/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.640 cfs	480.0 af
			1.640 cfs	480.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec 27 Twp 14N Rge 22E CUSTER 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	
14N	22E	27							34.0	31.0	39.0			40.0	31.0	17.0	36.0	19.0	247.0
14N	22E	34	2.0	36.0			32.0												70.0

Right Acre Limit: 160.0

POU Total Acres: 317.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 160.0 acres within the specific 305.9 acre place of use identified for Rights 73-192, 73-7041 and 73-10055 in a single irrigation season. The specific 160.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 160.0 acres to be irrigated within the 305.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Whenever the right holder is commingling water diverted pursuant to Right 73-7041 and applying it through the common sprinkler system with water diverted pursuant to Right 73-192 and/or Right 73-10055, the rights shall be limited to the 160 acres authorized for irrigation under Right 73-7041.
4. Rights 73-192, 73-7041 and 73-10055 when combined shall not exceed the irrigation of 305.9 acres.

Transfer No. 81600

WATER RIGHT NO. 73-7041
As Modified by Transfer No. 81600

CONDITIONS OF APPROVAL

5. Rights 73-192, 73-7041 and 73-10055 are limited to the irrigation of a specific 305.9 acres within the 317 acre place of use authorized by this right in a single irrigation season. The specific 305.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the Department. Before changing the 305.9 acres to be irrigated within the 317 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. 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. 73.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-10055
As Modified by Transfer No. 81600

In accordance with the approval of Transfer No. 81600, Water Right No. 73-10055 is now described as follows:

Right Holder: PAMELA L ROBINS
DOUGLAS ROBINS
1959 FUREY LANE
MAY, ID 83253

Priority Date: 2/18/1926

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **to** 10/31

Diversion Rate
3.200 cfs
3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

PAHSIMEROI RIVER NESW

Sec 35 Twp 14N Rge 22E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	22E	27							34.0	31.0	39.0			40.0	31.0	17.0	36.0	19.0	247.0
14N	22E	34	2.0	36.0			32.0												70.0

Right Acre Limit: 305.9

POU Total Acres: 317.0

CONDITIONS OF APPROVAL

1. Rights 73-192, 73-7041 and 73-10055 when combined shall not exceed the irrigation of 305.9 acres.
2. Whenever the right holder is commingling water diverted pursuant to Right 73-7041 and applying it through the common sprinkler system with water diverted pursuant to Right 73-192 and/or Right 73-10055, the rights shall be limited to the 160 acres authorized for irrigation under Right 73-7041.
3. Rights 73-192, 73-7041 and 73-10055 are limited to the irrigation of a specific 305.9 acres within the 317 acre place of use authorized by this right in a single irrigation season. The specific 305.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the Department. Before changing the 305.9 acres to be irrigated within the 317 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 81600

WATER RIGHT NO. 73-10055
As Modified by Transfer No. 81600

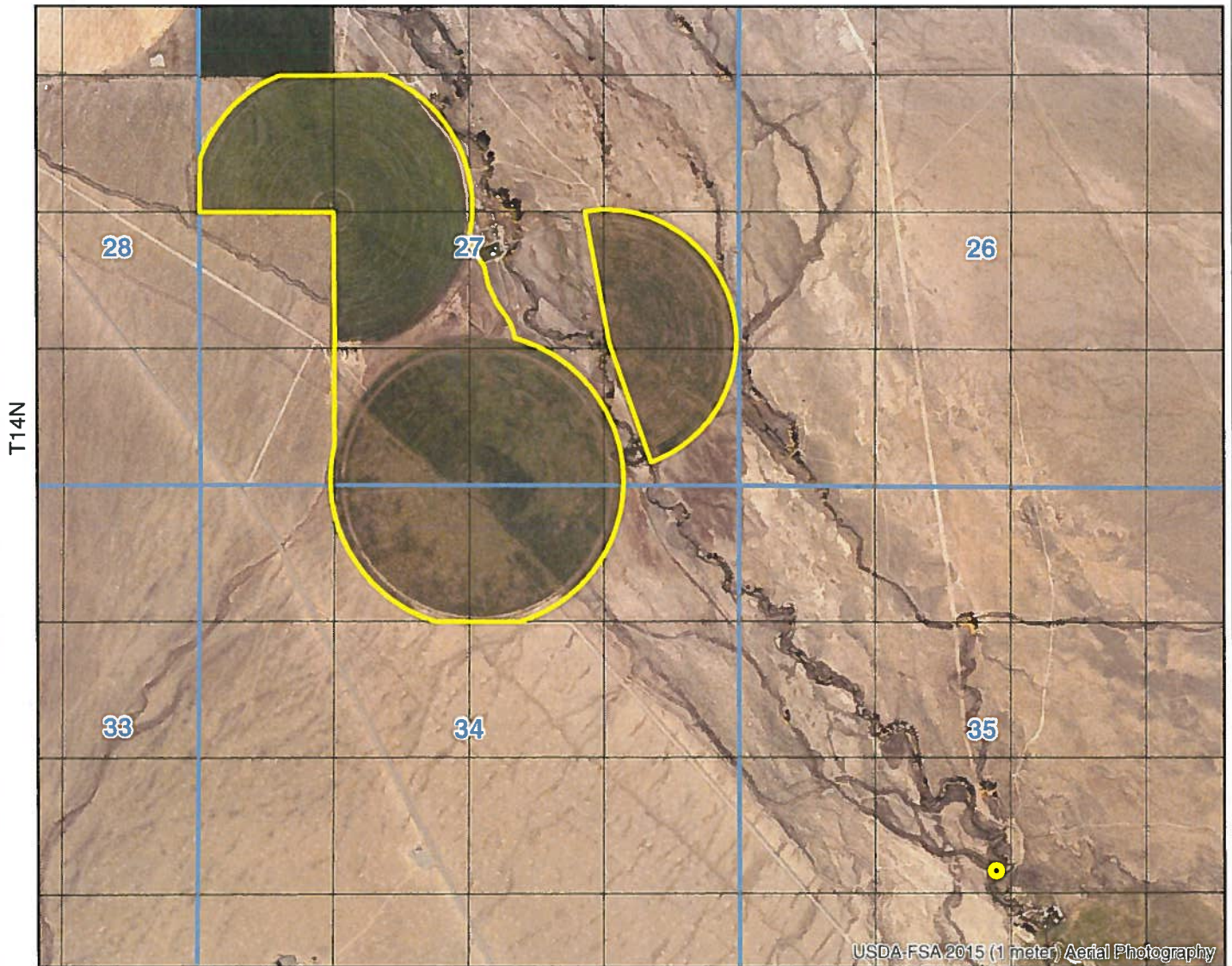
CONDITIONS OF APPROVAL

4. 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. 73.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre when delivered via pump and pressurized irrigation system, nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. This right does not grant any right-of-way or easement across the land of another.
9. The following rights are diverted through point(s) of diversion described above: 73-182, 73-192 & 73-10055.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer 81600
73-192 and 73-10055

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R22E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

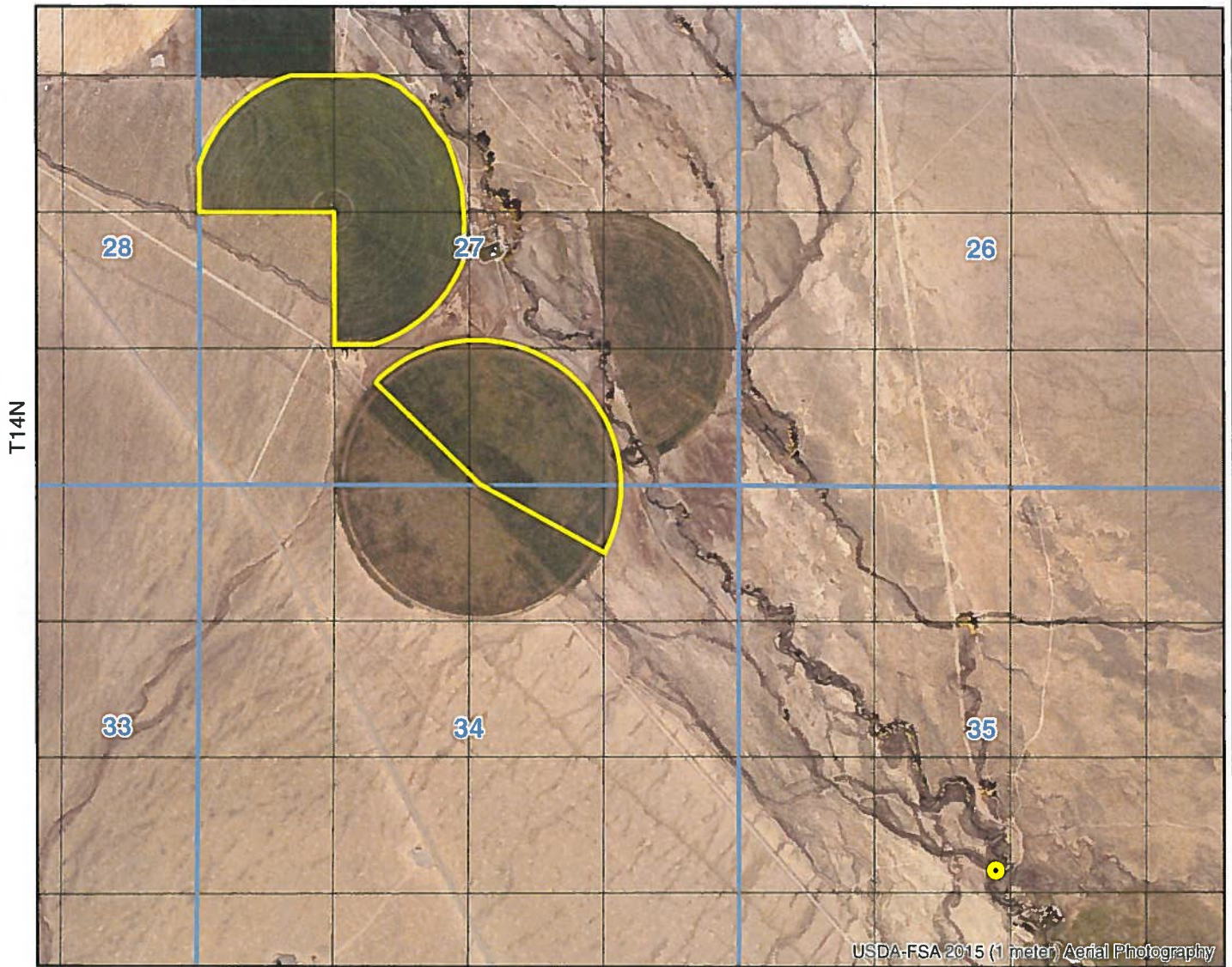


0 0.5 1 Miles

State of Idaho
Department of Water Resources
Attachment to Transfer 81600
73-7041

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R22E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



0 0.5 1 Miles



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 26, 2017

DOUGLAS ROBINS
PAMELA L ROBINS
1959 FUREY LANE
MAY ID 83253

Re: Amended Transfer No: 81600
Water Right No(s): 73-192, 73-7041, 73-10055

Amended Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Amended Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Amended Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the amended transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 287-4800.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pamela Skaggs".

Pam Skaggs

Water Rights Supervisor

Enclosure

C: WATER DISTRICT #73

SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Amended Approved Transfer) to the person(s) listed below:

**Re: Amended Transfer No.: 81600
Water Right No(s): 73-192, 73-7041, 73-10055**

**DOUGLAS ROBINS
1959 FUREY LANE
MAY ID 83253**

**PAMELA L ROBINS
1959 FUREY LANE
MAY ID 83253**

**SPF WATER ENGINEERING LLC
C/O SCOTT N KING
300 E MALLARD DR STE 350
BOISE ID 83706**

**WATER DISTRICT #73
TED ONEAL
81 FUREY LANE
MAY ID 83253**

A handwritten signature in black ink, reading "Darla Block", is written over a horizontal line.

Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

SEP 19 2017

DEPARTMENT OF
WATER RESOURCES

Douglas Robins
Pamela Robins
1959 Furey Lane
May, Idaho 83253

September 15, 2017

Idaho Department of Water Resources
Pam Skaggs, Water Rights Supervisor
P. O. Box 83720
Boise, Idaho 83720-0098

RE: Petition for Reconsideration of Transfer 81600

Dear Pam,

This is in response to your letter dated September 13, 2017 related to transfer #81600.

- 1) Although we are not fully in support of the concept related to the condition placed on 73-10055 we accept this condition as modified for this transfer as follows: *"This right when applied to lands via sprinklers shall provide no more than 0.02 cfs per acres nor more than 3.5 afa per acre at the field head-gate for irrigation of the place of use."*
- 2) When is the senior surface water right generally curtailed: In low water years curtailment could begin as early as late August through September. A map and shapefile of the specific location of the 160 acre place of use is also attached.
- 3) Total rate of diversion would be the 11.24 with check #1236 enclosed for \$160 per your request.

If you have any further questions, and in order to address these as quickly as possible, please continue to send responses via the Custer SWCD e-mail as well as US mail to my home address.

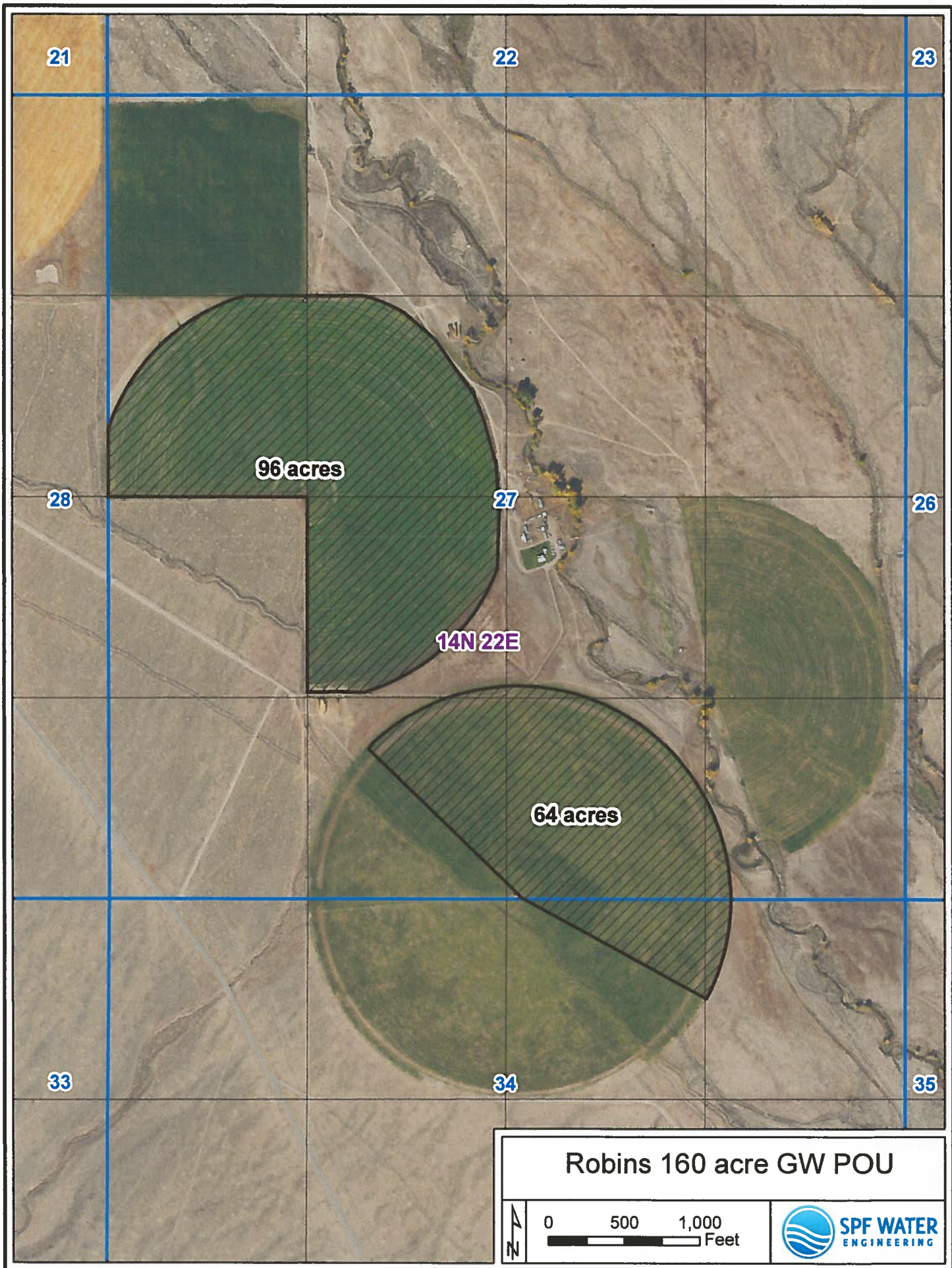
Thank you for your assistance in this matter.

Sincerely,



Douglas Robins

Attachment: Map and check for \$160.00
CC: Scott King, SPF Water Engineering



RECEIVED

SEP 18 2017

DEPARTMENT OF
WATER RESOURCES

- Original -
Rec'd by
mail.

Douglas Robins
Pamela Robins
1959 Furey Lane
May, Idaho 83253

September 12, 2017

Idaho Department of Water Resources
Pam Skaggs, Water Rights Supervisor
P. O. Box 83720
Boise, Idaho 83720-0098

Dear Pam,

As the water right holder for water rights 73-10055 and 73-192 which were subjects of Transfer Number 81600, we petition IDWR to reconsider and remove the following condition:

"This water 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 of the place of use".

This SRBA decree for these water rights did not include this condition. It has been our historic practice to use both water rights simultaneously, exceeding 0.02 cfs per acre at the field headgate when both rights are in priority. This condition reduces the value of these water rights and is not representative of the quantity decreed.

We would appreciate your consideration in this matter. Please contact us at your earliest convenience to discuss how we might proceed to remove this condition. Thank you for your assistance in this matter.

Sincerely,



Douglas Robins

Skaggs, Pam

From: Karma Bragg <csbcd@custertel.net>
Sent: Friday, September 15, 2017 2:55 PM
To: Skaggs, Pam
Cc: 'Scott King'
Subject: Robins Transfer #81600
Attachments: Robins 160 GW acres.pdf; Robins_160_gw.zip; doc00494620170915150246.pdf

Pam,

Attached is Doug's response and the map and shapefile required for this response. The hard copy is in the mail today along with the map and check for \$160.

Please let me know if you need anything else.

Karma Bragg

Douglas Robins
Pamela Robins
1959 Furey Lane
May, Idaho 83253

September 15, 2017

Idaho Department of Water Resources
Pam Skaggs, Water Rights Supervisor
P. O. Box 83720
Boise, Idaho 83720-0098

RE: Petition for Reconsideration of Transfer 81600

Dear Pam,

This is in response to your letter dated September 13, 2017 related to transfer #81600.

- 1) Although we are not fully in support of the concept related to the condition placed on 73-10055 we accept this condition as modified for this transfer as follows: *"This right when applied to lands via sprinklers shall provide no more than 0.02 cfs per acres nor more than 3.5 afa per acre at the field head-gate for irrigation of the place of use."*
- 2) When is the senior surface water right generally curtailed: In low water years curtailment could begin as early as late August through September. A map and shapefile of the specific location of the 160 acre place of use is also attached.
- 3) Total rate of diversion would be the 11.24 with check #1236 enclosed for \$160 per your request.

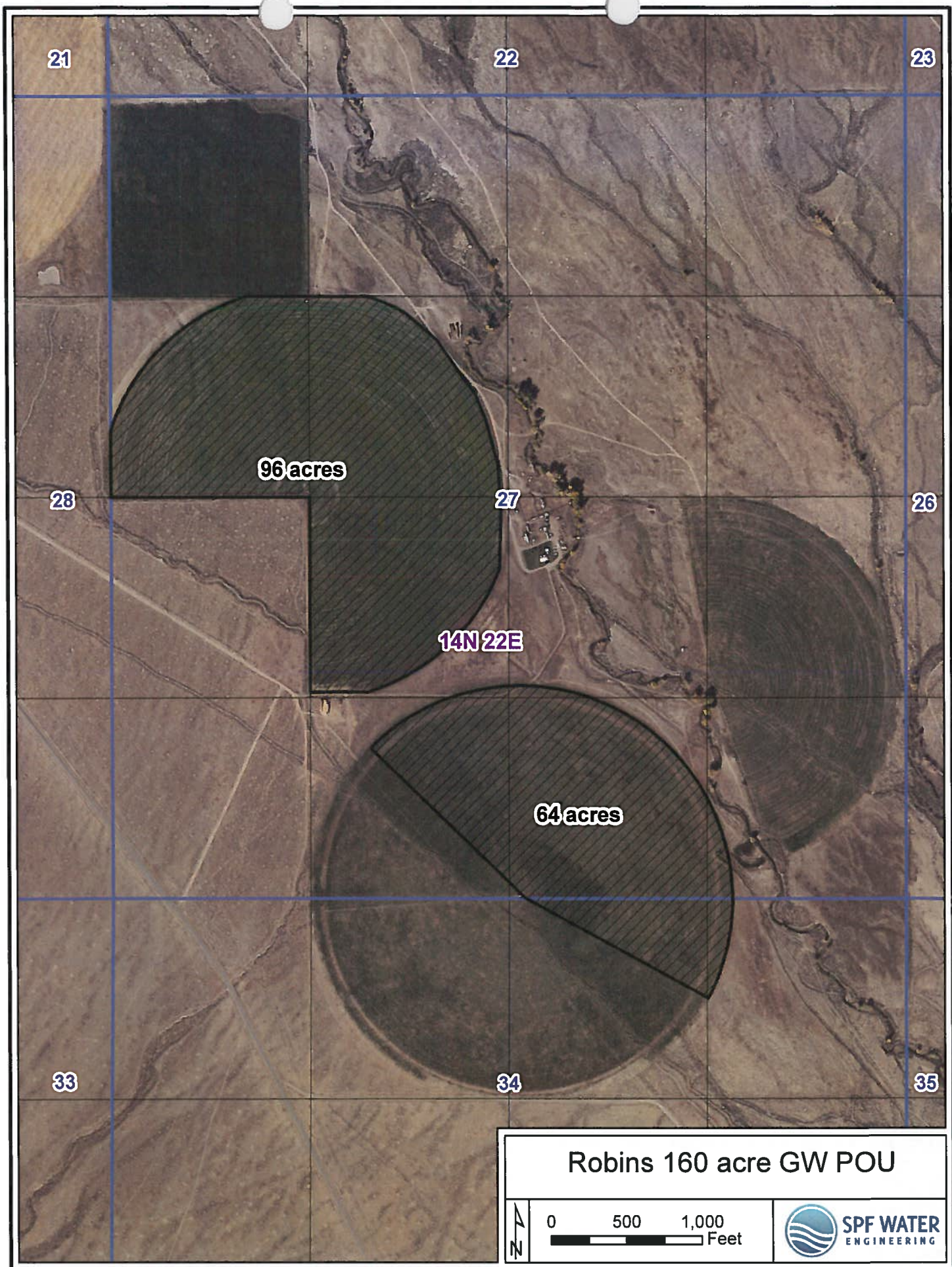
If you have any further questions, and in order to address these as quickly as possible, please continue to send responses via the Custer SWCD e-mail as well as US mail to my home address.

Thank you for your assistance in this matter.

Sincerely,


Douglas Robins

Attachment: Map and check for \$160.00
CC: Scott King, SPF Water Engineering



Skaggs, Pam

From: Scott King <SKing@spfwater.com>
Sent: Thursday, September 14, 2017 8:28 AM
To: Skaggs, Pam
Subject: RE: Doug Robins Transfer #81600

Thank you!

-----Original Message-----

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Thursday, September 14, 2017 8:25 AM
To: Scott King <SKing@spfwater.com>; Karma Bragg <csxcd@custertel.net>
Subject: RE: Doug Robins Transfer #81600

Yes, Scott is correct. The ground water right authorizes 160 acres irrigation within a season, not variable locations during the same season. The acres can be changed from season to season.

Pam

Pam Skaggs
IDWR Water Rights Supervisor
(208) 287-4951

-----Original Message-----

From: Scott King [mailto:SKing@spfwater.com]
Sent: Thursday, September 14, 2017 8:22 AM
To: Karma Bragg <csxcd@custertel.net>; Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Subject: RE: Doug Robins Transfer #81600

Karma,

If I understand Pam correctly, the 160 must be identified just like we had to identify the 305.9 acres. The 160 can change, but Doug needs to let IDWR know when it changes. Also, the 160 acres must be consistent for the whole irrigation season. He can't irrigate 160 early in the season and a different 160 (or even most of the same 160 but with some change) later in the season.

Pam - please correct me if I'm wrong here.

Thank you,
Scott

-----Original Message-----

From: Karma Bragg [mailto:csxcd@custertel.net]
Sent: Wednesday, September 13, 2017 5:29 PM
To: 'Skaggs, Pam' <Pam.Skaggs@idwr.idaho.gov>
Cc: Scott King <SKing@spfwater.com>
Subject: RE: Doug Robins Transfer #81600

Pam,

I contacted Doug and he will come in tomorrow to go over this letter. Would you mind explaining to me why the 160 acres supplemental water right has to have the 160 identified instead of being to use it within "the permissible place of use" but limited to 160?? I have seen other water rights written up like that so I was just wondering.

Skaggs, Pam

From: Karma Bragg <csxcd@custertel.net>
Sent: Thursday, September 14, 2017 8:35 AM
To: Skaggs, Pam
Subject: RE: Doug Robins Transfer #81600

It does, thank you very much. That makes sense. This will make it much easier to go over it with Doug. Most of our cooperators are just scared of losing their water. I am sure Doug is planning to send the \$160 in and I think he will respond today. I hope it is acceptable that we forward it to you via my e-mail.

Thank you!!

Karma

-----Original Message-----

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Thursday, September 14, 2017 8:08 AM
To: Karma Bragg <csxcd@custertel.net>
Cc: 'Scott King' <SKing@spfwater.com>
Subject: RE: Doug Robins Transfer #81600

Karma,

The groundwater right was developed, licensed & then decreed for 160 acres irrigation. It can be used anywhere in the larger described 317 acre place of use in combination with the surface water rights authorizing 305.9 acres. If the two surface water rights are curtailed, continued irrigation is limited to 160 acres authorized under the ground water right. Irrigation solely under the ground water right exceeding the authorized acres in the larger system would be an enlargement of use. It is prudent to have a method to limit irrigation to a specific 160 acres within the larger system in order to be in compliance with the elements of the ground water right when surface water is fully curtailed. If the senior surface water right authorizing the full 305.9 acres is rarely curtailed than this would only rarely be a problem.

I hope this clarifies the issue for you. Call me if you would like to discuss further.

Pam

Pam Skaggs
IDWR Water Rights Supervisor
(208) 287-4951

-----Original Message-----

From: Karma Bragg [mailto:csxcd@custertel.net]
Sent: Wednesday, September 13, 2017 5:29 PM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Cc: 'Scott King' <SKing@spfwater.com>
Subject: RE: Doug Robins Transfer #81600

Pam,

I contacted Doug and he will come in tomorrow to go over this letter. Would you mind explaining to me why the 160 acres supplemental water right has to have the 160 identified instead of being to use it within "the permissible place of use" but limited to 160?? I have seen other water rights written up like that so I was just wondering.