

RECEIVED

MAY 17 2017

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERWATER RESOURCES
WESTERN REGION

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) William White and Beverly WhiteCheck 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: See attachment #10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) William White and Beverly White Phone (208) 834-2505
Mailing address 18138 Oreana Loop Rd Murphy, ID 83651 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 _____ Phone _____
Mailing address _____ Email _____

- ☐ 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.

William White
Signature of Applicant or Authorized Representative

William White
Print Name and Title if applicable

5-11-17
Date

Beverly White
Signature of Applicant or Authorized Representative

Beverly White
Print Name and Title if applicable

5-11-17
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**.
Create a 150 acre permissible place of use.

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 ☒ ☐	57-38	2.84 cfs	Irrigation	3/01 to 11/15	Hart Ck - Catherine Ck
☒ ☐	57-39	0.61 cfs	Irrigation	3/01 to 11/15	Catherine Ck - Castle Ck
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.45 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 3.45 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.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

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	
04S	01E	30									12	28	26	23	5	5	23	28	150
												Lt 3	LT 4						

Total Acres (for irrigation use) 150*

* WATER RIGHTS CURRENTLY AUTHORIZE IRRIGATION OF 125 ACRES COMBINED (57-39 POW OVERLAPS 57-38 POW).

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:

see Attachment Harts cr. 5-A.

- 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:
N/A

- 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:
N/A

- 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:
Ground water rights 57-2181 and 57-7043 also used within the proposed permissible place of use. Propose to allow use of surface water rights 57- 41B (Pickett Ck) and 57-60 (Picket Ck) on a portion of proposed permissible place of use (portion of Gov't Lt 3 NWSW & NESW) per separate transfer application.

- 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:

see attachment 5-G

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

Current Water Right No.: 57-38

Current Owner: BEVERLY WHITE
WILLIAM WHITE

Priority Date: 4/1/1866

Origin: Water Right

Status: Active

Basis: Decreed

Source

HART CREEK

Tributary

CATHERINE CREEK

Beneficial Use

IRRIGATION

From To

3/01 to 11/15

Diversion Rate

2.84 CFS

Annual Volume

Total Diversion

2.84 CFS

Location of Point(s) of Diversion

HART CREEK

NE1/4NE1/4NE1/4

Sec. 35, Twp 04S, Rge 01W B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S30	NESW	12.00	T04S R01E S30	NWSW	6.00
T04S R01E S30	SWSW	23.00	T04S R01E S30	SESW	21.00
T04S R01E S30	NESE	10.00	T04S R01E S30	NWSE	11.00
T04S R01E S30	SWSE	19.00	T04S R01E S30	SESE	23.00

Total Acres: 125

Conditions of Approval:

1. THE USE OF THIS RIGHT WITH RIGHT NOS. 57-00039, 57-02181 AND 57-07043 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.72 CFS.
2. USE OF THIS RIGHT WITH RIGHT NOS. 57-00039, 57-02181 AND 57-07043 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 286.0 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 4/24/2003

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

Current Water Right No.: 57-39

Current Owner: BEVERLY WHITE
WILLIAM WHITE

Priority Date: 4/1/1868

Origin: Water Right

Status: Active

Basis: Decreed

Source

CATHERINE CREEK

Tributary

CASTLE CREEK

Beneficial Use

IRRIGATION

From To

3/01 to 11/15

Diversion Rate

0.61 CFS

Annual Volume

Total Diversion

0.61 CFS

Location of Point(s) of Diversion

CATHERINE CREEK

L3(NW1/4NW1/4SW1/4)

Sec. 30, Twp 04S, Rge 01E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T04S R01E S30

NESE

4.00

T04S R01E S30

SESE

20.00

Total Acres: 24

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 57-00038 AND OTHER RIGHTS LISTED THEREIN IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 286.0 ACRES IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NO. 57-00038 AND OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.72 CFS.

Decreed Date: 4/24/2003

Harts Creek 5-A

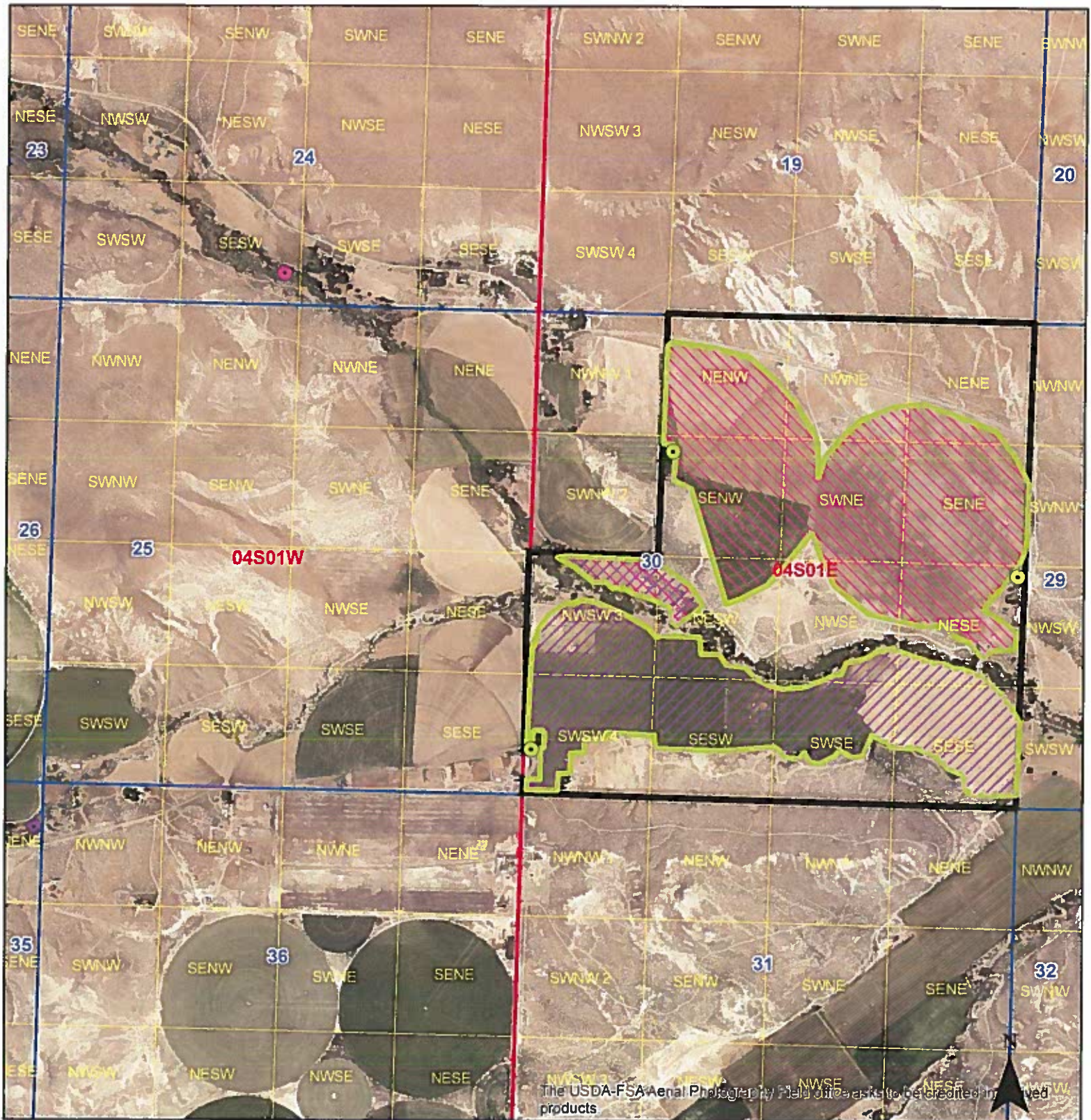
Harts Creek point of diversion has an adjustable head gate and 500' of pipeline. Then it is all open ditch to the reservoir that is over a mile away. Sometime in the future we plan to put this ditch in a pipeline as well, with a weir down by the reservoir, where the water can be measured.

Harts & Catherine Creek 5-G

Catherine Creek is just sand and small gravel and the creek is approximately 40' wide. It was too hard to put a dam in to stop all the water, and then pipe the creek through the dam, and then pipe our water right into a ditch any time the creek would get high in the spring. We might have to do this several times. We had to raise the water approximately 5' to get the water into our ditch.

So we started taking the water out of our Harts creek head gate, where we had built a rock structure in the creek, so we could take our rights out without disturbing the creek bed and banks every year.

Attachment 70 White Transfer Application Map



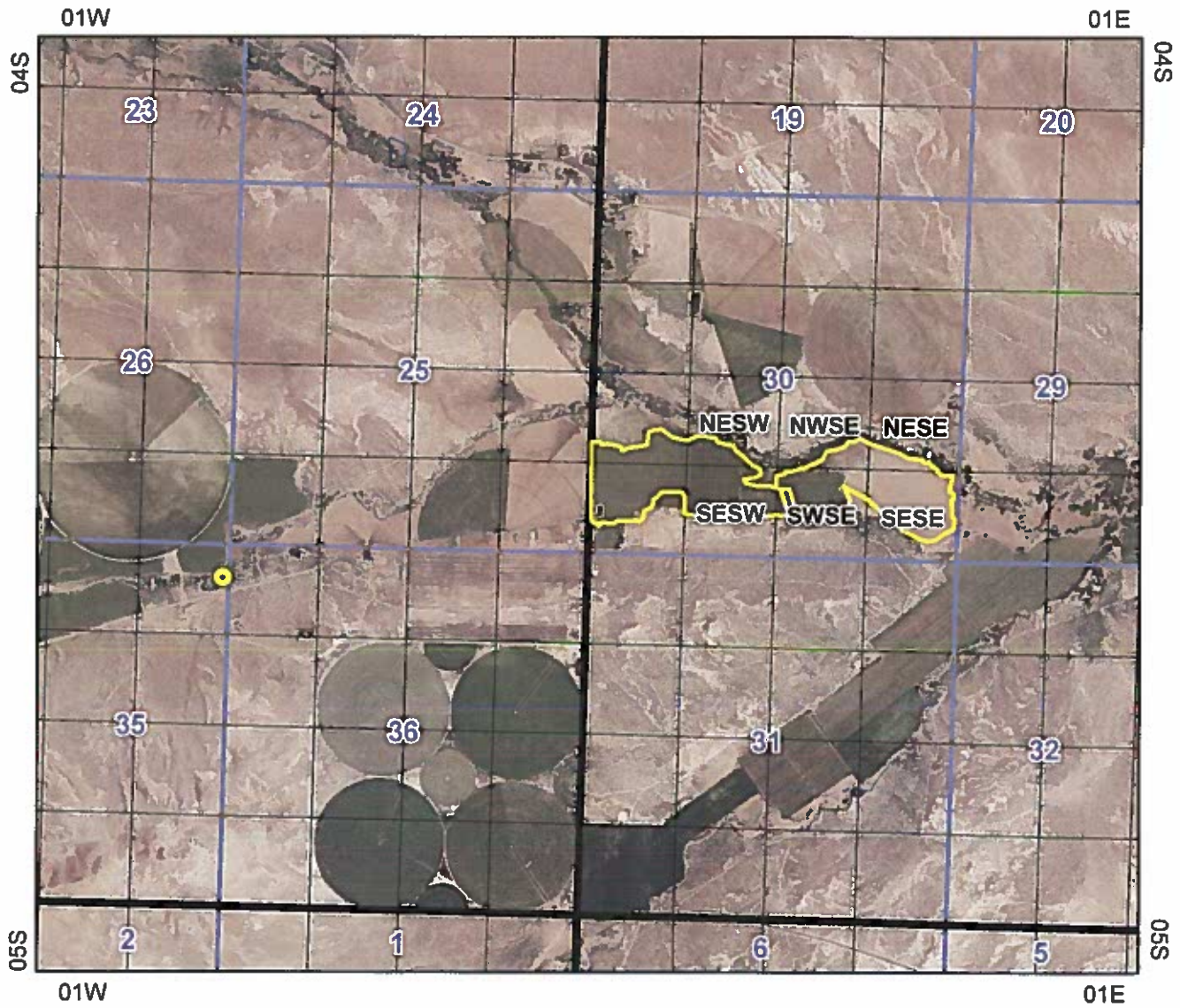
Legend

- GWPOD
- PickettCkPOD
- HartCkPOD
- GWPPU
- PickettCkPPU
- HartCkPPU
- WhitePropertyBoundary

0 0.1 0.2 0.4 0.6 0.8 Miles

State of Idaho
Department of Water Resources
Water Right License
57-38

ATTACHMENT 7b (1 of 2)



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

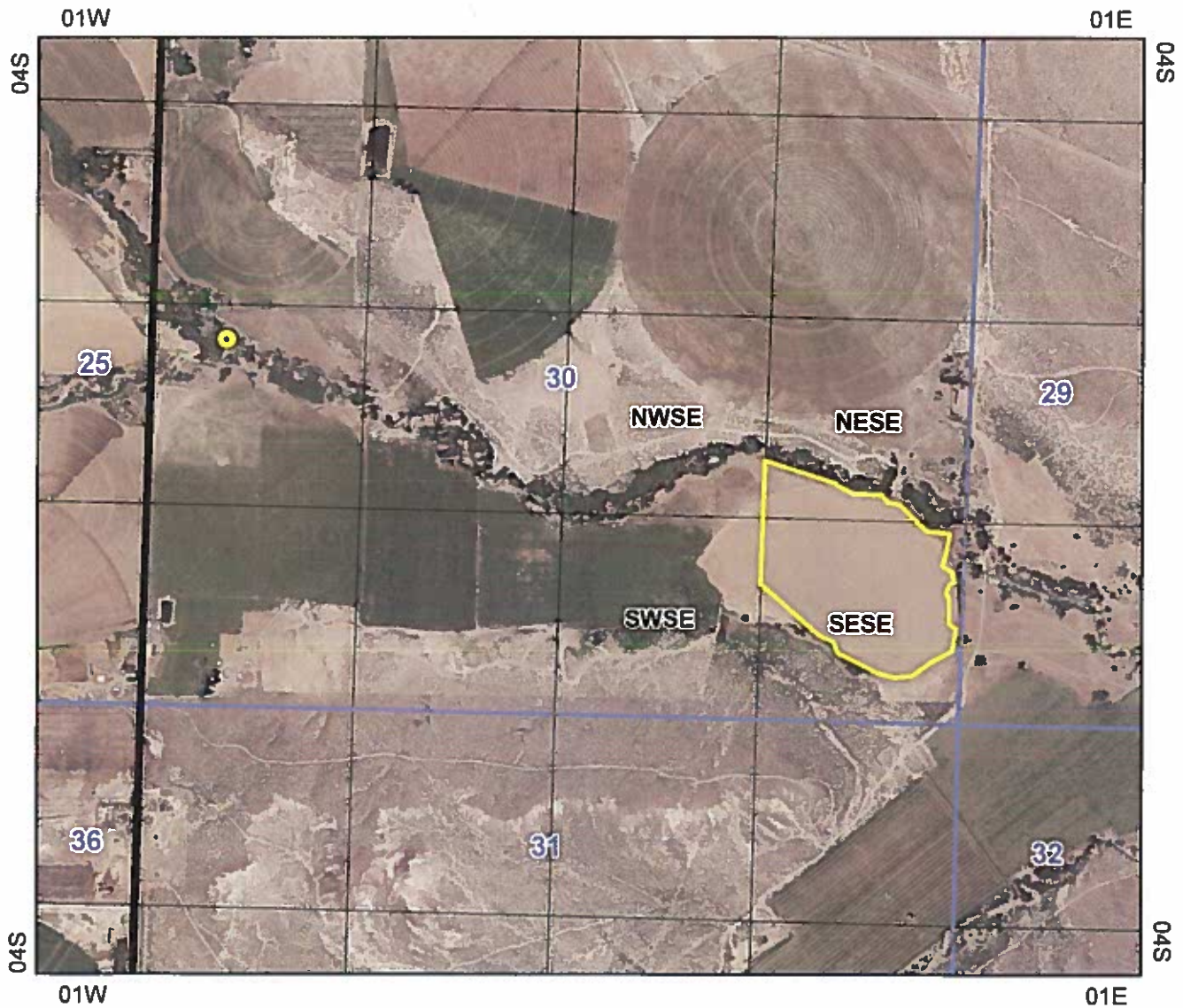
0 0.3 0.6 1.2 Miles



81666

State of Idaho
Department of Water Resources
Water Right License
57-39

ATTACHMENT 7b (2 of 2)



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

0 0.125 0.25 0.5 Miles



81666

#10

When we changed from flood irrigation to wheel lines, we had to square up the fields to make the wheel lines work. We irrigated more acres, because the wheel lines were more efficient, we have never used any more water than our water rights allow.

When we changed to pivots, we are even more efficient, because of the circular pattern of the pivots. We left out some ground that was irrigated and took in some ground that wasn't.

By July when the creeks dry up and we only have the well water, we have to quit irrigating about 60 acres, so we plant oats, hay them off and then let that ground dry up.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2017

WILLIAM WHITE
BEVERLY WHITE
18138 OREANA LOOP RD
MURPHY, ID 83651

RE: Application for Transfer Nos. 81664, 81665, & 81666
Application for Exchange of Water No. 81715

Dear Applicant(s):

The Department of Water Resources has received your water right transfer applications and application for exchange of water. Please refer to the transfer numbers and exchange number referenced above in all future correspondence regarding each application.

A legal notice of each application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 8/16/2017 and 8/23/2017. Protests to any of these applications may be submitted for a period ending ten (10) days after the second publication.

If any of applications are protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If any of applications are not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the applications.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, August 10, 2017 9:54 AM
To: 'Jennifer Stutheit'
Subject: Owyhee Legal Ads
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 8/16/2017 & 8/23/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

August 10, 2017

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application for Transfer No. 81664
 Application for Transfer No. 81665
 Application for Transfer No. 81666
 Application for Exchange of Water No. 81715

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 9/5/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81664**

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANA LOOP RD, MURPHY, ID 83651; has filed Application No. 81664 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-2181, 57-7043. The purpose of the transfer is to create a 333 acre PPU with a total of 289 acres authorized in a single season. The transfer also will correct the existing POD's while adding a single ground water POD. Water will be used at the current place of use along Catherine Creek, south east of Oreana, ID.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81665**

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANA LOOP RD, MURPHY, ID 83651; has filed Application No. 81665 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-41B, 57-60. This transfer proposes to create a 195 acre PPU to rights 57-41B and 57-60. The 2 rights are part of a 5 water right combined use limit of 5.72 cfs on 286 acres. The farm is located along Catherine Creek, directly south east of Oreana, ID.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81666**

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANA LOOP RD, MURPHY, ID 83651; has filed Application No. 81666 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-38, 57-39. This transfer proposes to create a 150 acre permissible place of use to rights 57-38 and 57-39. The 2 rights are part of a 5 water right combined use limit of 5.72 cfs on 286 acres. The farm is located along Catherine Creek, directly south east of Oreana, ID.

PROPOSED EXCHANGE OF WATER RIGHT(S)

WILLIAM WHITE and BEVERLY WHITE, 18138 OREANA LOOP RD, MURPHY, ID 83651; has filed Application No. 81715 on May 17, 2017 to exchange Water Right(s) No. 57-39 with an 1868 priority date from Catherine Creek totaling 0.61 cfs. The right(s) is diverted and used for irrigation from 3/1 to 11/15 off Morrow Res Road, north of Glenns Ferry. The purpose of the exchange is to move the current point of diversion from Catherine Creek approximately 1.2 miles west upstream onto Hart Creek. This is a permanent exchange proposal.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s) or exchange(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 9/5/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/16/2017 and 8/23/2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 10, 2017

ROHL HIPWELL
18125 OREANA LOOP RD
OREANA ID 83650

RE: Applications for Transfer Nos. 81665 & 81666
Application for Exchange of Water No. 81715

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this letter for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office by **September 5, 2017**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely
Administrative Assistant

MEMORANDUM

TO: Transfer No. 81666
FROM: Patrick Kelly
DATE: 7/11/2017
RE: Evaluation of Application

Summary of Information Submitted Transfer 81666 proposes to create a 150 acre PPU to rights 57-38 and 57-39. The 2 rights are part of a 5 water right combined use limit of 5.72 cfs on 286 acres. The farm is located along Catherine Creek, directly south east of Oreana, ID.

Both 57-38 & 57-39 were decreed with maximum diversion rates that provide greater than 0.02 cfs/ac. These rights will still be allowed their decreed rates to cover conveyance losses, but should be limited to an inch per acre at the field headgate.

Changes to POD's are not proposed in the transfer. However the 10 acre tract was removed via the transfer process to match current standard description practices.

Authority to File The application was filed in the name of William and Beverly White. The Whites are current owners to the rights pertinent to this transfer. Owyhee County taxlot data suggest the Whites still own the property covered under the Place of Use.

Water Right Validity The rights were decreed in 2003. Using 2013 – 2015 aerial imagery, irrigation practices measure between 280 up to 320 acres of developed land. Concerns over validity or forfeiture are not present at this time.

Overlap Analysis Place of Use comparison tool finds a total of 6 water rights in the name of William and Beverly White. All 6 rights have had a transfer filed to correct either the POD or POU (transfers 81664 – 81666). No other rights should be considered for processing at this time.

Injury to Other Water Rights None anticipated. The changes being proposed have already occurred on the ground. At the time of this review, department staff is unaware of any complaints that have been filed as a result to these changes. Objections to the changes proposed in this transfer can be made during the announcement period via protest.

Enlargement of Use A total combined use limit that includes surface and ground water rights of 5.72 cfs and 286 acres which will be maintained. Changes to the points of diversion are not proposed.

Local Public Interest No information has been made available to suggest a conflict with public interest.

Beneficial Use/Conservation of Water Resources The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.



State of Idaho

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C.L. "BUTCH" OTTER

Governor

June 27, 2017

GARY SPACKMAN

Director

William White
18138 Oreana loop Road
Murphy, ID 83651

RE: Question about Water Spreading

Dear Mr. White:

Angie Grimm relayed your questions to me regarding your water use in Owyhee County. As I understand the situation, your water rights currently authorize a combined maximum diversion rate of 5.72 cubic feet per second to irrigate a combined total of 286 acres, yet you irrigate approximately 333 acres without exceeding the diversion rate limitation due to efficient use of water. This practice is commonly referred to as "water spreading" because you are spreading the same amount of water over more land than a right authorizes. Your question is whether this is a legal use of your water right. In short, the answer is no. If you want to continue irrigating the acres beyond the 286 authorized by your water right, you would need to apply for and receive a new water right. Although you may not be using additional water, the law requires you to have a water right authorizing the use of water to irrigate those acres.

A fundamental concept of a water right is that of beneficial use. People often focus on the amount of water, but really the measure of a water right is the amount necessary to accomplish the described beneficial use. Although a water right may authorize a maximum diversion rate in excess of what is needed to accomplish the beneficial use, the real limit on the right is what is needed to accomplish the beneficial use. Further, the place of use and the beneficial use are elements of a water right that define how you can use the water. If you irrigate more land than is described on your right, you are exceeding that limit of the right, even if you do not exceed the diversion rate.

While I expect this isn't the answer you hoped for, I trust you will find the information helpful as you continue to plan for your water use.

Sincerely,

Nick Miller
Manager, IDWR Western Region

Grimm, Angie

From: Palmer, Cherie
Sent: Wednesday, May 24, 2017 7:17 AM
To: Grimm, Angie
Subject: RE: William & Beverly White E2017-1133 - Transfer & Exchange Filings Received

Angie,

Thank you for the heads up! I would be interested to see how Nick responds to Mr. White's argument of spreading water to more acres. I hear that argument all the time.

Cherie

From: Grimm, Angie
Sent: Thursday, May 18, 2017 10:40 AM
To: Palmer, Cherie <Cherie.Palmer@idwr.idaho.gov>
Cc: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: William & Beverly White E2017-1133 - Transfer & Exchange Filings Received

Cherie,

Good morning! I want to let you know that Mr. Bill White has filed three transfer applications (Transfer No. 81664, 81665, and 81666) and an exchange application in response to your letter dated 4/7/17. The transfer applications propose to create three permissible places of use [(PPU)s] for three sets of water rights (Transfer No. 81664 - WRs 57-2181 & 57-7043 ground water PPU entire ranch, Transfer No. 81665 - WRs 57-41B & 57-60 Pickett Ck water PPU north half of ranch, Transfer No. 81666 - WRs 57-38 & 57-39 Hart Ck & Catherine Ck water south half of ranch, and Exchange to update 57-39 point of diversion from Catherine Ck to upstream trib Hart Ck). The proposed PPUs cover the land currently irrigated. Mr. White's water rights have a combined limit of 286 acres. The transfers will create PPUs authorizing Mr. White to rotate the 286 acres within a 333 acre area. Mr. White provided the attached explanation/justification for expansion of acres he's requested Nick Miller respond to. I explained to Mr. White his rights include an acre limit he must adhere to despite changing to more efficient irrigation practices. However, he wanted to explain his position and receive a response from the manager. I've asked Nick to respond to Mr. White's request. Meanwhile, Western will proceed with processing Mr. White's applications. I told Mr. White I'd let you know he's submitted the transfer applications as requested by your 4/7/17 letter. Please let me know if you need anything else from Mr. White at this time regarding this matter or if you have any questions.

Regards,
Angie

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