

MEMORANDUM

TO: Active rights 65-23207, 65-23209, 65-23295, 65-23296, 65-23297, 65-23298, 65-23625 & 65-23626

FROM: Patrick Kelly

DATE: 3/6/2017

SUBJECT: Correcting ownership changes for splits of parent rights 65-2590A & 65-11272B

65-2590A and 65-11272B were decreed in 2002 with no combined use limits. In sum, the rights totaled 1.81 cfs on 90.5 acres. These rights shared the same shapefile after the recommendation was made, however the acres described by the rights are believed to be independent with no overlap. See an attached map where I have assigned acres according to the QQ description. Govt. Lots are recognized by the lot number, rather than the QQ assignment.

2007 Ownership Change: An OC was filed by the Garner's in 2007 for Montgomery rights 65-2590A and 65-11272B. The OC was processed granting the Garners 4.0 acres from both rights. The split portions pertaining to the Garner property were given the water right numbers 65-23207 & 65-23209. Both rights were granted 0.08 cfs for 4.0 acres with a combined use limit added totaling 0.08 cfs on 4.0 acres. By priority, this makes 65-23207 (the split portion of 65-11272B) meaningless since it adds neither rate nor acres to the limit.

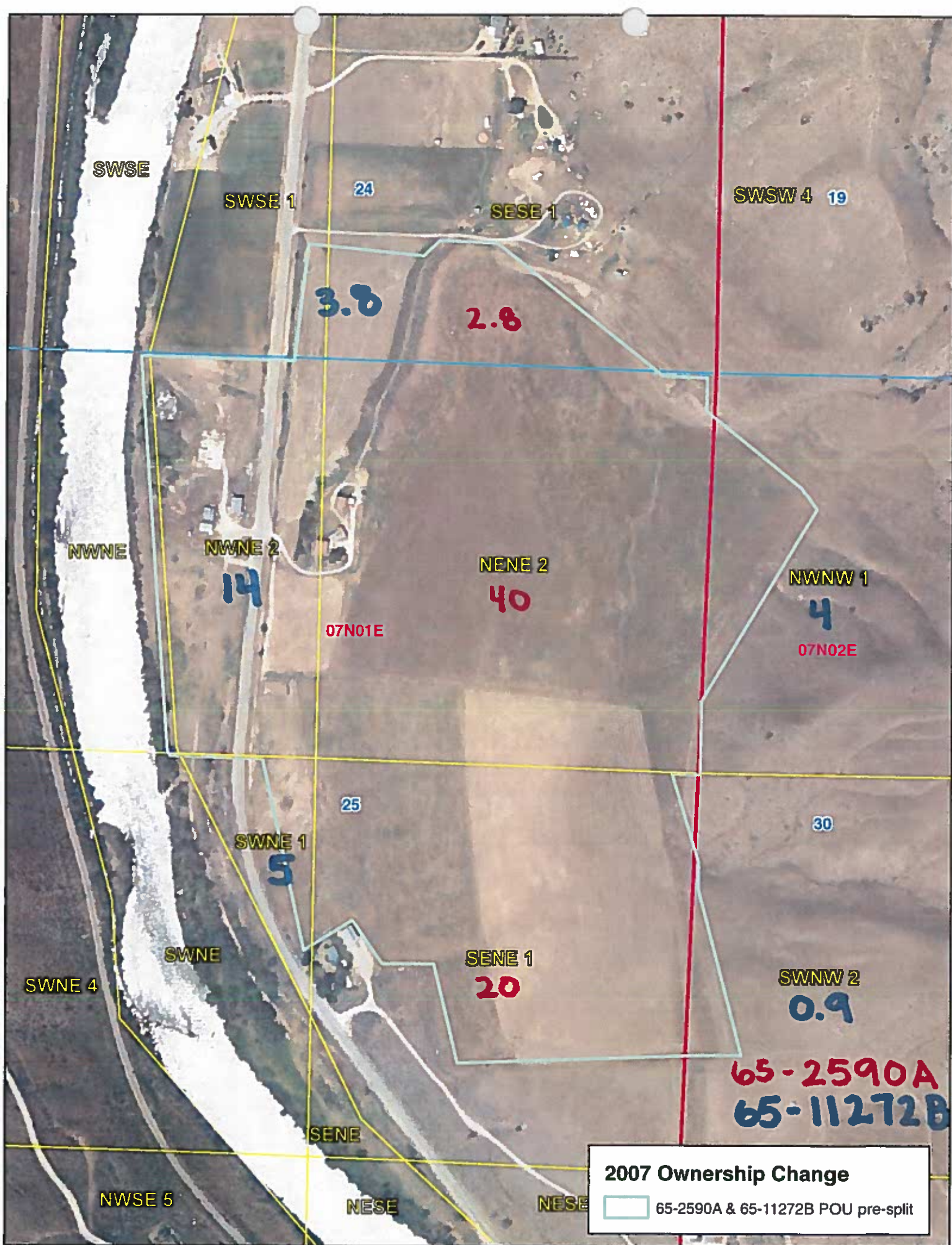
The remainder of the Montgomery rights were given #'s 65-23206 and 65-23208. The rate and acres for each right equated to what was left after the Garner rights were subtracted. However, a combined use analysis was completed to combine the 2 rights to 1.29 cfs on 62.7 acres. This action reduces the rights overall by $(1.81 - 1.37)$ 0.44 cfs and $(90.5 - 68.7)$ 21.8 acres. The rights were protected from forfeiture since they were within the 5 yr. window from when they were decreed. It is my belief that the reviewer of the ownership change cited overlap since the decrees authorized a total of 54 acres in the NENE L2 QQ. Comments made by the reviewer suggested that the shapefile was incorrect. However, since land within the govt. lot totals 54.0 acres, overlap should not have been considered.

In summary, the recommendation shape files for 65-2590A and 65-11272B extend all the way to the Payette River. The 2 decreed rights authorize a total of 54.0 acres in Section 25 Govt. Lot 2 and total 90.5 acres. Ultimately, combined use limits should not have been added via the ownership change process.

The Garner property totals 6.0 acres. An ownership change should have granted 0.08 cfs and 4 acres from 65-2590A within the NENE L2 to 65-23209. 65-23207 should be described as 0.04 cfs and 2.0 acres from 65-11272B in the NENE L2 QQ description but redefined in the NWNE L2. Updates to reflect this have been made based on my review.

2008 Ownership Change: In 2008, the department processed an ownership change filed by the Cooks. The Cooks were changing ownership for rights on their portions of land pertinent to the Montgomery rights 65-23206 and 65-23208. These rights were split to maintain the combined use limits created in the 2007 ownership change. Transfer No. 81192 filed by the Cooks allows me to remove the combined use limits, and properly analyze the water right validity.

2015 Ownership Change: The Long's filed an ownership change for their land under 65-23295 and 65-23297. These rights were split to maintain the combined use limits created in the 2007 ownership change. Rate and acres on 65-23625 and 65-23626 will not change and are not subject to forfeiture since they are not under review for transfer 81192. As associated rights, the combined use limit with Montgomery rights is being separated. A new limit will be added to the Long rights to reflect the direct overlap of 65-23295 and 65-23297. The new combined use limit for these two rights total 0.22 cfs on 10.9 acres. I am comfortable with this limit since the parcel totals 12.0 acres and matches what could potentially be irrigated.



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/6/2017

Water Right 65-23207

**BEFORE
UPDATE**

Owner Type **Name and Address**
Current Owner ALISHA HICKMAN
 11900 N HWY 52
 HORSESHOE BEND, ID 83629

Current Owner CARL HICKMAN
 11900 N HWY 52
 HORSESHOE BEND, ID 83629
 208-703-3798

Priority Date: 6/22/1966

Basis: Decreed

Status: Active

Source
PAYETTE RIVER

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.080 CFS	
	<u>Total Diversion</u>		0.080 CFS	

Source and Point(s) of Diversion

PAYETTE RIVER L1(SESWSE) Sec. 24, Twp 07N, Rge 01E, GEM County

Place Of Use

IRRIGATION within GEM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	25	4.0																4.0
			L2																

Right Acre Limit: 27.6

POU Total Acres: 4.0

Conditions of Approval:

1. 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.
2. X27 This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season with 65-23209
3. This water right is limited to 0.08 cfs with 65-23209.

Comments:

1. jhersley 12/7/2007 split right
This water right is the result of split from 65-11272B due to change in ownership

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/6/2017

- 1.
2. segbert 5/23/2008
Updated Shape
3. mciscell 3/10/2011 POD
Updated Shape

Dates and Other Information

Decreed Date: 7/18/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

3/6/2017

Water Right 65-23209

Owner Type **Name and Address**
Current Owner ALISHA HICKMAN
 11900 N HWY 52
 HORSESHOE BEND, ID 83629

Current Owner CARL HICKMAN
 11900 N HWY 52
 HORSESHOE BEND, ID 83629
 208-703-3798

Priority Date: 4/19/1954

Basis: Decreed

Status: Active

Source
PAYETTE RIVER

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.080 CFS	
	<u>Total Diversion</u>		0.080 CFS	

Source and Point(s) of Diversion

PAYETTE RIVER	L1(NESWNE)	Sec. 25, Twp 07N, Rge 01E, GEM County
PAYETTE RIVER	L1(SWSE)	Sec. 24, Twp 07N, Rge 01E, GEM County

Place Of Use

IRRIGATION within GEM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	25	4.0																4.0
			L2																

POU Total Acres: 4.0

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3. This right is limited to 0.08 cfs with 65-23207

Comments:

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This water right is the result of split from 65-2590A due to change in ownership

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/6/2017

2.	segbert	5/23/2008	
Updated Shape			
3.	mciscell	3/10/2011	POD
Updated Shape			

Dates and Other Information

Decreed Date: 6/28/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

3/6/2017

AFTER
UPDATE

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/6/2017

3. mciscell 3/10/2011 POD
Updated Shape
4. pkelly 3/6/2017 WR Update
Errors in the ownership change process have been corrected. See 3/6/2017 memo for additional information.

Dates and Other Information

Decreed Date: 7/18/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 65
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/6/2017

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Source and Point(s) of Diversion

PAYETTE RIVER	L1(NESWNE)	Sec. 25, Twp 07N, Rge 01E, GEM County
PAYETTE RIVER	L1(SWSE)	Sec. 24, Twp 07N, Rge 01E, GEM County

Place Of Use

IRRIGATION within GEM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	25	4.0																4.0
			L2																

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2. segbert 5/23/2008

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Proof Report

3/6/2017

Updated Shape

3. mciscell 3/10/2011 POD
Updated Shape

4. pkelly 3/6/2017 WR Update
Combined use limits associated with this right have been removed. See 3/6/2017 memo for additional information.

Dates and Other Information

Decreed Date: 6/28/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A