

File —

OCT 1991

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Identification No. 78-7263A

Department of Water Resources
Western Regional Office

Department of Water Resources
Western Regional Office

Exchange No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

APPROVED

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder BRUNDAGE WATER USERS ASSOC.
Post office address P.O. BOX 333, NEW MEADOWS, ID 83654

2. Right obtained by:

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court, County of _____, Fully describe decree _____

b. Permit, License, or Claim No. 78-7263A in the records of the Department of Water Resources.

Water Resources. BRUNDAGE CREEK GOOSE CREEK
3. Source of water HARTLY CREEK tributary to BRUNDAGE CREEK
(Name of stream or source)

4. Date of Priority of Right 3-22-1985

5. Amount of water a. _____ c.f.s. and/or
b. 3292 acre feet/annum

6. Water is used for STOR. FOR IRRIG. from 1-1 to 12-31
(Purpose) (Month-Day) (Month-Day)

IRRIG. FROM STOR. from 5-1 to 10-1
(Purpose) (Month-Day) (Month-Day)

7. Location of point of diversion is NW 1/4 SE 1/4 of Section 30,
Township 20N, Range 3E, B. M., in ADAMS County;
Additional points of diversion, if any _____

8. Lands irrigated or place of use: SEE ATTACHED LAND LIST-ATTACHMENT "A"

[illegible]

Total number of acres to be irrigated _____

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

N/A

9. Name of Right Holder _____
Post office address _____
10. Source of water _____ tributary to _____
(Name of stream or source)
11. Name of canal or ditch _____
12. Amount of water a. _____ c.f.s. and/or
b. _____ acre feet/annum
13. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree (if known) _____

b. Permit, License, or Claim No. _____ in the records of the Idaho
Department of Water Resources.

EXCHANGE

14. _____ c.f.s and/or 300 acre feet per annum of water diverted at the point described in line 7 and will be delivered into THE LITTLE SALMON RIVER at a point in the SE 1/4 SE 1/4 of Section 23, Township 19N, Range 1E, B.M., in ADAMS County; Additional points, if any WATER IS DELIVERED VIA BIG CREEK FROM THE SOUTH END DITCH WHICH DIVERTS OUT OF BRUNDAGE RES.
15. In lieu thereof _____ c.f.s. and/or 300 acre feet per annum will be diverted from THE LITTLE SALMON RIVER at a point within the NW 1/4 NE 1/4 of Section 35, Township 19N, Range 1E, B.M., in ADAMS County.
16. Explanation IF WATER WERE DIVERTED AT THE MOST EFFICIENT POINT ON BIG CREEK FOR BRUNDAGE RESERVOIR STORED WATER TO IRRIGATE THESE LANDS, A PUMP WOULD BE NEEDED. THE DIVERSION POINT IN SEC. 35*
SEE BELOW

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange. SEE ATTACHED AERIAL PHOTO - ATTACHMENT "B"

Lands irrigated or place of use to which the 300 af of water will be applied

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
19N	1E	26			30	33									40	20	22	38	183

OTHER RIGHTS ON THESE LANDS ARE 78-0146, 0147, 0148, 0149, 0150 & 78-0271. AN APP. FOR PERMIT HAS BEEN FILED ON THE NEW ACRES ADDED IN THE SENE, NWSE, & SWSE. (78-07305)

* WILL ALLOW IRRIGATION BY GRAVITY FLOW. THERE ARE NO WATER WELLS FROM

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Edgar Raney

(Signature of Applicant)

Subscribed and sworn to before me this 15th day of September, 1988.

Garth Fauselt

(Notary Public)

My commission expires 8/23/91

ACTION OF THE DIRECTOR, IDAHO DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 78-7263C and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

See attached sheet for conditions of approval.

2. Denial of said application is for the following reasons:

Witness my hand this 30th day of September, 1991.

L. Glen Saxton

L. GLEN SAXTON
CHIEF, WATER ALLOCATION BUREAU

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 9-30-88 Time 8:00 PM Preliminary check by [Signature]
Fee \$50.00 Received by [Signature] Date 9-30-88 Publication prepared by [Signature]
Date 10/13/88 Published in [Signature] County [Signature] Dates 10/19 & 10/26/88
Affidavit of Publication received [Signature] Publication approved by 12-2-88
Republished Dates 11/2 & 14/9/88.

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken
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Agreement needed Agreement received

Hearings held at Date

Recommended for approval denial by DET Jim
(Title)

*For up to 0.2 cfs or 20 af....\$30.00
For greater amounts.....\$50.00

ATTACHMENT
CONDITIONS OF APPROVAL

Exchange of Water Right No. 78-7263C

1. Use of water under this water right is subject to control by the watermaster of State Water District No. 78C.
2. 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.

Dated this 30th day of September, 1991.

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

IRRIGATION AND LIST

Town-ship	Range	Section	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄					
18N	2E	5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
19N	1E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		14				40													480
		23	40	40	40	40	40	40	40										120
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		26	40	40	40	40	40	40	40										320
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320
		36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
19N	2E	5																	160
		6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		7	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		16																	80
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		21								40	40	40	40	40	40	40	40	40	160
		28								40	40	40	40	40	40	40	40	40	320
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		33								40	40	40	40	40	40	40	40	40	80
20N	1E	24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

[illegible]

MEMORANDUM

TO: Files 
FROM: Steve Lester
DATE: October 9, 2013
RE: LICENSING EXCHANGE 78-7263C & RESOLVING APPLICATION 78-7305

Normally would not expect something like licensing an exchange. There is a story here, told below in note form.

- Exchange 78-7263C for 300 AF Brundage Reservoir storage from 78-7263A ... water in "C" subset of "A", not additive.
- "A & C" are permits.
- "A" can be licensed for more storage, same acres as senior right 78-2085.
- Exchange "C" filed 1988 & approved 1991. Exchange from Permit 78-7263A, so "licensing an exchange."
- Ross Application 78-7305 filed same time as exchange but held. Later, 78-7305 caught in 1992 moratorium, lingered thru 2005, then unintentionally delayed.
- Exchange statute 42-240 repealed 1986, reinstated 1998. Invalidates 1991 exchange approval, makes 78-7305 more important? Or, assume valid exchange, can license, makes 78-7305 less important?
- Exchange covers 183 acres both sides Little Salmon River. Appl 78-7305 covers 65 acres subset of exchange, application map about 55 acres west of river & 10 acres east of river. Exchange injection point & re-diversion point confirmed by site visit 10/20/2000, see 11/1/2000 memo in 78-7305. Did not confirm irrigation then.
- No Ross irrigation west of river per 2000 inspection. Licensing exchange could cover acres east of river. License exchange east of river would cover 183-55 = 128 acres mostly/entirely covered by Ross natural flow rights. Leaves no irrigation west of river unless file transfer or proceed with 78-7305.
- So license exchange for higher number of acres but less if any new ground. New permit could cover fewer acres but more new ground.
- Mr. Ross deceased, Eby now owns Ross POU. Mrs. Ross moved, deceased? Get more information to see what Ross/current owner wants to do.

Follow Up

- 1) Determine if we can license an exchange, particularly with 42-240 repeal before the exchange was approved. Reinstated 42-240 is limited to rights. Did prior version include permits?
- 2) If we can license the exchange, determine if current land owner (with presumed appurtenant rights) can help decide what to do. Would owner prefer use of license 78-7263C for more land but fewer new acres or prefer a new permit for less land but more new acres? Prefer both? This assumes an assignment of application can be executed somehow (or start over by filing a new application).
- 3) If we cannot license 78-7263C, that permit should be terminated by relinquishment or void process
- 4) Application 78-7305 should be resolved.
- 5) Eby should at least file a water rights ownership change.

See attached:

- Irrigation spreadsheet for "Ross land"
- Map for same land.

Process	Number	Owner	Source	SWNE	SENE	NESE	NWSE	SWSE	SESE
Water Right	78-146	ROSS	LITTLE SALMON RIVER	33.0	38.0	38.0	5.0	16.0	36.0
Water Right	78-147	ROSS	LITTLE SALMON RIVER	33.0	38.0	38.0	5.0	16.0	36.0
Water Right	78-148	ROSS	LITTLE SALMON RIVER	33.0	38.0	38.0	5.0	16.0	36.0
Water Right	78-149	ROSS	LITTLE SALMON RIVER	33.0	38.0	38.0	5.0	16.0	36.0
Water Right	78-150	ROSS	LITTLE SALMON RIVER	33.0	38.0	38.0	5.0	16.0	36.0
Water Right	78-271	ROSS	LITTLE SALMON RIVER	33.0	38.0	38.0	5.0	16.0	36.0
Water Right	78-2085	BWUA (storage)	BRUNDAGE CREEK	X	X				X
Water Permit	78-7263A	BWUA (storage)	BRUNDAGE CREEK, HARTLY CREEK	10.0	7.0		20.0	18.0	2.0
Water Permit	78-7263C	BWUA (storage/exchange)	BRUNDAGE CREEK	30.0	33.0	40.0	20.0	22.0	38.0
Application	78-7305	ROSS	LITTLE SALMON RIVER	30.0			20.0	15.0	-

Subtract with exchange 7263C

Ross Natural flow

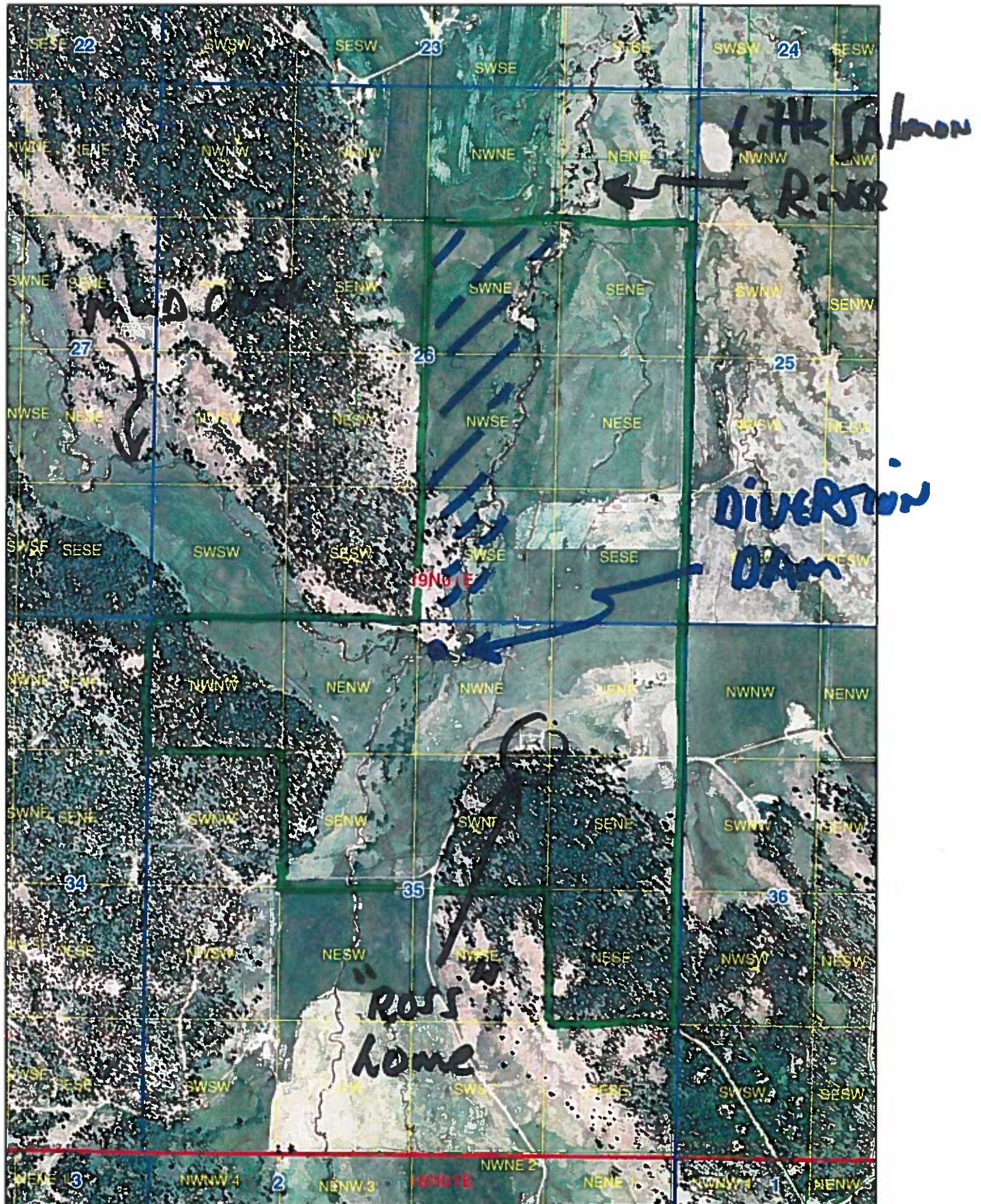
Storage water

Exchange 300 AF 183 Acres both sides of river - Approved

- Used east of river

App 1.3 cfs 65 Acres " " but mostly west of river (e 55' west side ? e 10' east side :)

PROXIMATE ACCTS
IN 78-7305



* 9/27/2013
TAX Lot info