

Van Bussum, Monica

From: Lori Graves [LGraves@spfwater.com]
Sent: Thursday, October 06, 2011 11:51 AM
To: Van Bussum, Monica
Cc: Roxanne Brown
Subject: Arbor Ridge Puzzle

Monica,

In response to your request concerning parent rights 63-8737 and 63-8738, the following summary will hopefully clarify which acres should be in the bank and which acres should be out.

Water rights 63-8737 and 63-8738 originally supplied supplemental ground water to 198 acres of land now subdivided; 118 acres under 63-8737 and 80 acres under 63-8738.

When the lands were subdivided, 3 acres were kept by the original owner, 90 acres remained irrigated within the subdivisions and 105 acres were replaced with roads, homes etc. resulting in the following water right splits (transfer 71645):

63-8737: 63-32831- 58 acres (Developer)
 63-32832 - 60 acres (Developer)

63-8738: 63-32014 – 3 acres (Original Owner)
 63-32015 – 77 acres (Developer)

In 2005, all 60 acres of 63-32832 and 30 acres of 63-32831 were intended to cover the 90 acres irrigation within the subdivisions. The remaining 28 acres under water right 63-32831 and all of 63-32015 were leased to the bank.

As it turns out, in 2003 the developer had deeded portions of the parent rights to Pioneer Irrigation District (PID) to enable the 90 acres of supplemental irrigation ground water to be delivered through their system; 60 acres of 63-8737 and 30 acres of 63-8738. A change in ownership was filed at that time, but not processed until 2007. As a result, PID owns all of water right 63-32832 and water right 63-32015 was split into 63-32833 (47 acres to developer) and 63-32834 (30 acres to PID).

In 2008, PID's attorney sent a letter to the Department to clarify that PID water rights 63-32832 and 63-32834 are delivered to the subdivision for 90 acres irrigation and should not be in the bank. As a result, rather than all 90 acres irrigation being provided by splits of water right 63-8737 as submitted in 2005, actually 60 acres of 63-8737 (Child right 63-32832 and 30 acres of 63-8738 (child right 63-32834) cover the 90 acres irrigation via PID delivery.

In 2008 transfer 75264 was filed on 63-32831 allowing 30 acres to be transferred for irrigation use at the Nampa Gateway. Because only 28 acres of the right were enrolled in the bank in 2005, nothing needed to be released from the bank upon the transfer approval.

At the same time, transfer 75122 was also filed on 63-32831 allowing 9 acres to be transferred for irrigation use on Gary Bodily's property. These 9 acres are part of the 28 acres currently enrolled in the bank, which is why they need to be released per the transfer approval.

Based on the approved transfers, water right 63-32831 was split as follows:

63-33209 – 19 acres to developer
63-33210 – 30 acres to DDR Nampa (Nampa Gateway)
63-33211 – 9 acres to Gary Bodily

In summary, PID water rights 63-32832 and 63-32834 are delivered to the subdivisions to cover their 90 acres of irrigation and water rights 63-33283 and 63-33209 should be in the bank for the developer.

Please let me know if you have further questions Monica.

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