

Grimm, Angie

From: Michael C Creamer [mcc@givenspursley.com]
Sent: Wednesday, April 01, 2015 2:54 PM
To: Grimm, Angie
Cc: jks@idahowaters.com
Subject: FW: Draft Approval, Black Mesa Transfer Application 78428 [IWOV-GPDMS.FID621485]
Attachments: Fall Irrigation Plan and 2015-2016 Irrigation.PDF; 78428 Black Mesa draft approval 10-28-2014.docx

Angie,

As we discussed this afternoon, here is my correspondence to Steve Lester and John Simpson earlier this month responding to Steve's inquiry, which also is attached. I understand that with Steve's retirement, you and Jeff Peppersack will be shepherding this transfer.

I am anticipating hearing back from John Simpson shortly concerning the "acres v. acre-feet" issue presented in Steve's e-mail.

Mike

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
Direct: 208-388-1247
Main: 208-388-1200
Fax: 208-388-1300
www.givenspursley.com

From: Michael C Creamer [mailto:mcc@givenspursley.com]
Sent: Monday, March 16, 2015 4:27 PM
To: 'Lester, Steve'; jks@idahowaters.com
Subject: RE: Draft Approval, Black Mesa Transfer Application 78428 [IWOV-GPDMS.FID621485]

Dear Steve,

I am attaching for your review a narrative description of the fall irrigation method to be used by Black Mesa Farms as contemplated by Transfer 78428 together with a map that indicates:

- Black Mesa's 2015 irrigated acres, which will total 838 acres (shown in Blue and designated as "A" Acres per Black Mesa's stipulation with Idaho Power;
- Black Mesas anticipated 2016 acres that will require fall field preparation, which total 574.4 acres (shown in orange crosshatching and designated as "B" Acres.

Also, note that this map also shows acres (303.7 acres in red) that will be irrigated in 2015 by Rocky Trail under a lease of farmground from Black Mesa. Trail will use his own surface water right for this ground. Under his lease, trail is allowed to irrigate up to 320 acres of Black Mesa ground each year. These acres are rotated each year as well, and so each year's map would include a shape for the Trail acres for as long as Trail continues to lease from Black Mesa. This should help IDWR and the Watermaster reconcile green acres with water rights.

Regarding your question concerning water diverted to B Acres, as you know, the stipulation is based on total acre-feet (not to exceed 487.5 AFA. This number was derived by multiplying the maximum number of B Acres (665) by the acre-

feet per acre used for fall prep (0.75 AFA). Black Mesa does not care whether a condition limits the fall prep to 665 acres per year or to 487.5 AFA. Idaho Power may, however, and so I might suggest that the condition state both. I have not heard from John on this issue, but perhaps he can respond to this e-mail regarding Idaho Power's position.

Steve, would you please confirm that aside from this last issue re: acres v. diversion volume for the fall prep, the attached addresses your e-mail below and the IDWR conditions memo (attached)?

Sincerely,

Mike Creamer

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock St.
Boise, ID 83702
Direct: 208-388-1247
Main: 208-388-1200
Fax: 208-388-1300
www.givenspursley.com

From: Lester, Steve [<mailto:Steve.Lester@idwr.idaho.gov>]
Sent: Thursday, October 30, 2014 4:46 PM
To: Michael C Creamer; jks@idahowaters.com
Subject: Draft Approval, Black Mesa Transfer Application 78428

Gentlemen:

I am sending this email instead of the usual written letter to save some time. After considerable discussion among quite a few people in the department, we are ready to approve the transfer for fall field preparation. I do not have a complete draft approval document ready yet but hope I can provide enough details to address your concerns. The State Office and Regional Office consensus resulted in the attached draft.

The electronic shape file for each right currently identifies the entire permissible place of use instead of a specific 838 acre limit area. In order to proceed with approval, we need a shape file showing the specific 838 acres most recently irrigated. This will support the reporting requirements defined by transfer approval. The applicant can provide that as soon as possible to move this along. It can be an electronic shape file or a hard copy map sufficient to allow us to make an electronic shape.

Next, the key draft conditions for the transfer are attached for your review. This is the department's alternate way to capture the intent of the stipulated agreement. Please note the question about the fall field preparation volume limit. Upon receiving the current irrigation shape/map and your confirmation that the attached conditions will address your concerns, we will issue the transfer approval.

Approval will be too late for 2014 fall field prep under 2-2209B with its October 31 irrigation season deadline. Right 2-103 runs through November 15, possibly allowing some fall field prep, although this may complicate the mapping requirements under the proposed condition of approval.

Finally, Mike Creamer can provide something for the file confirming the change in attorney of record from M. Lawrence (a brief email is fine if you prefer).

I look forward to hearing from you in this matter.

Steve Lester

Interim Western Region Manager
IDWR Western Region
2735 Airport WY
Boise, ID 83705
(208-334-2190)



In the Matter of Application for Transfer No. 78428 in the Name of Black Mesa Farms, LLC

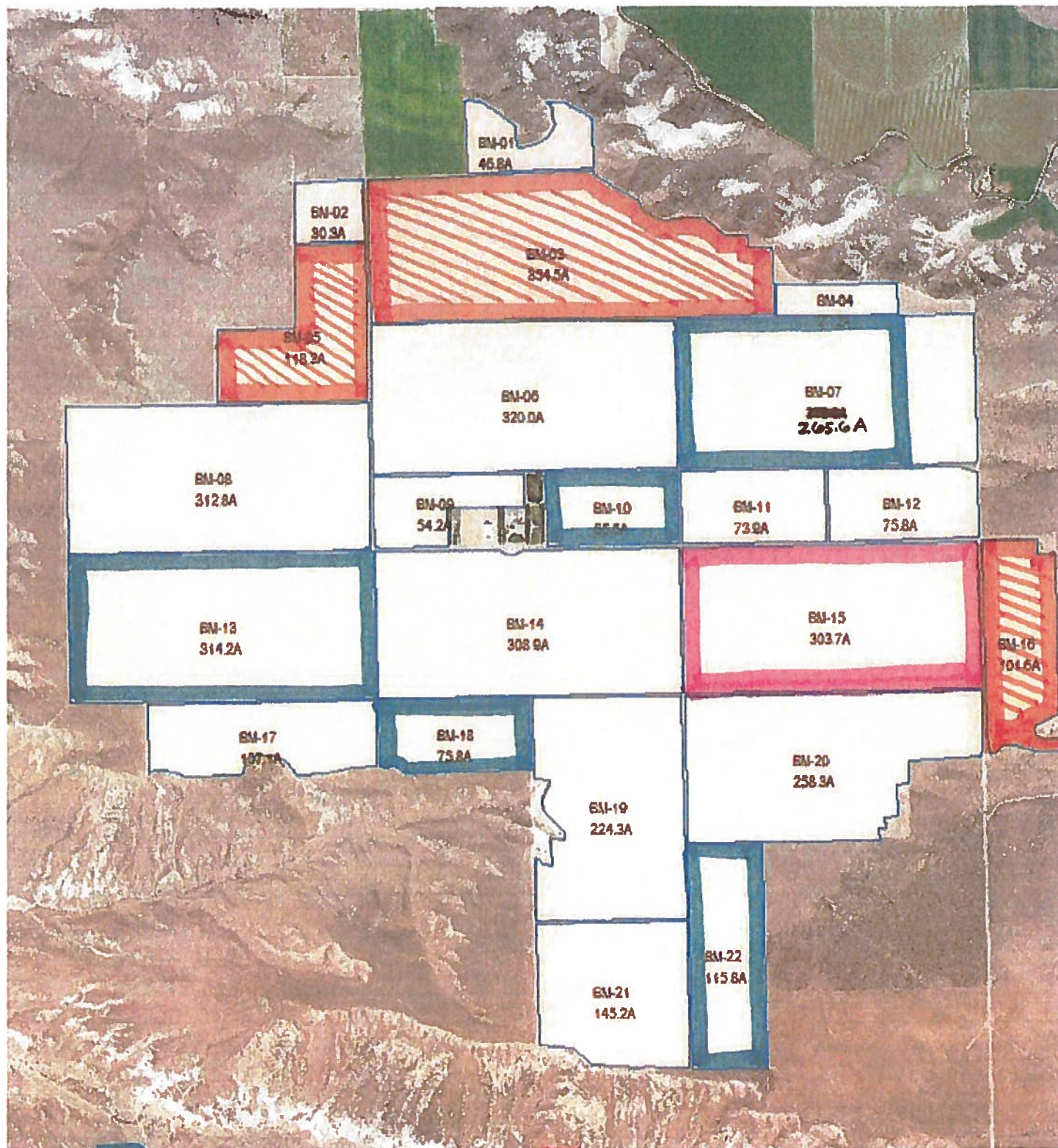
Narrative Description of Typical Fall Preparation on Black Mesa Farms, LLC Potato Cropland

Of its 838 total authorized irrigated acres, Black Mesa Farms typically rotates 650-665 acres of Russet Burbank potatoes, a full season variety, each year. The balance of the farm's authorized acres is farmed in other crops. Final Irrigation on the potato crop to be harvested occurs 5-10 days prior to harvest, which usually occurs by the first week of October, although potato harvest can take place beginning as early as approximately September 15 and concluding as late as approximately October 15.

During harvest, the portable portion of the farm's irrigation system (portable mainline and solid set pipe) is moved onto the acreage to be prepared for raising potatoes in the coming year. This system is assembled on the new acres and fall preparation irrigation commences on approximately October 15. Each acre intended for potatoes in the coming year receives a 24-hour set of irrigation, applying approximately 3 inches of water per acre. This irrigation prepares the soil with a required level of moisture to accept a subsequent soil fumigant application.

The soil fumigant, either Metam Sodium or Metam Potassium, is applied by the chemigation method. During the fumigant application, the same new acres to be planted to potatoes in the coming year are irrigated for 8 hours, applying approximately 1 inch of water per acre. The soil fumigant is applied in a continuous injection into the irrigation system for 6 of the 8 hours. This fumigation process usually occurs between October 20 and October 31 each year.

The irrigation system is then shut down and disconnected. Portable mainline and solid-set pipe remain in the field over the winter. The system is then reassembled the following spring, after potatoes have been planted.



- 2015 BM Irrigated Acres ("A Acres")
- 2016 BM Irrigated/Fall Prep. 2015 ("B Acres")
- 2015 Trail Irrigated Acres