

Lester, Steve

From: Lester, Steve
Sent: Friday, October 31, 2014 8:22 AM
To: 'Michael C Creamer'
Cc: 'jks@idahowaters.com'; 'Michael P. Lawrence'
Subject: RE: Draft Approval, Black Mesa Transfer Application 78428 [IWOV-GPDMS.FID564845]

Mike C:

Thank you for that update and clarification.

In my haste to get something to you and John yesterday, I neglected one item the State Office asked for before the transfer is approved. The applicant should provide a brief narrative ("plan") describing how fall field prep will actually be accomplished – what exactly will the irrigator do? This can be provided along with the shape file/map for the specific 838 acres most recently irrigated as noted in yesterday's email.

Again, an email reply is fine if you prefer. Sorry for the inconvenience of forgetting that additional item.

Steve L.

From: Michael C Creamer [<mailto:mcc@givenspursley.com>]
Sent: Thursday, October 30, 2014 5:19 PM
To: Lester, Steve; jks@idahowaters.com
Cc: Michael P. Lawrence
Subject: RE: Draft Approval, Black Mesa Transfer Application 78428 [IWOV-GPDMS.FID564845]

Thank you Steve. As we discussed, I will be traveling this coming week. Both Mike Lawrence and I are representing Black Mesa on this matter and he can move this along in my absence.

Sincerely,

Mike

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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

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draft approval document ready yet I 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
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APPROVING BLACK MESA TRANSFER #78428, FALL FIELD PREP

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Existing limitations to the individual and combined rights will remain in place. Other typical standard conditions will be used for each right as needed, for example:

- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 2, Snake River.
- The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Proposed condition of approval for typical irrigation plus fall field prep irrigation. Replaces the "irrigation plan" approach used in Matthews' Transfers 66132 and 66133. This requires the right holder to provide a current map/shape prior to transfer approval for the acres that have been most recently irrigated to establish a baseline from which changes can be made for fall field prep and/or standard irrigation changes as we move ahead.

Combined rights 2-103 and 2-2209B are limited to the irrigation of crops for a specific 838 acres within the 3,948 acre place of use authorized by the rights in a single irrigation season. The specific 838 acres to be irrigated by the right holder are shown in the electronic shape file associated with the rights in the geographic information system component of the water rights database maintained by the department. Before changing the 838 acres to be irrigated within the 3,948 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department. Submittal shall occur prior to application of irrigation water for tilling, application of chemicals, or establishing fall planting in preparation for the next irrigation season. Application of irrigation water to the place of use represented by the new land list shall not commence until irrigation ceases and harvest is complete on the lands identified for irrigation in the current irrigation season.

Question

Your stipulated agreement limits fall field prep to 487.5 af. IDWR can include a condition along those lines if the parties agree, but it would probably be more useful for compliance etc. to specify it in acres instead of volume. What is an acceptable acre limit, if any, along those lines? Or is such a limit still desired?