



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Racine, Olson, Nye, Budge & Bailey
Attn: Randy Budge
201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204

Re: Bryce Crane and Three Mile Creek Irrigation Company Applications for Transfer.

Dear Randy:

The Department of Water Resources has reviewed the two transfer applications that you filed on behalf of Bryce Crane and Three Mile Creek Irrigation Company. According to the applications, the purpose of these transfers is to enable Mr. Crane to utilize a ground water right (11-7047) on land that he owns and wants to irrigate using a new center pivot. There are some items that need to be addressed before we continue to process these applications. The items that need your attention are described below:

Bryce Crane Transfer- Water right 11-7047.

According to the transfer application only 77.0 acres of the 129.0 acres are proposed to be changed. According to the purchase and sale agreement Bryce Crane is under contract to purchase the whole 129.0 acres under ground water right 11-7047. In past conversations with Mr. Crane it was my impression that he wants to transfer all 129.0 acres under the water right, which a portion of the right would be used as a primary water source, while the remaining portion under the right would be stacked and used in combination with shares that he owns in Three Mile Creek Irrigation Company. If it is Mr. Crane's intention to irrigate 129.0 acres using water right 11-7047, then the place of use section under part 1B of the application should describe the location of the 129.0 acres. If the place of use is changed to include the whole 129.0 acres please provide a map outlining the location of the 129.0 acres.

In your narrative you describe which 77.0 acres of land under water right 11-4087 that will be idled. The legal description that you describe for these 77.0 acres is in error. These 77 acres are in 11S, 44E, Sections 33, 34 and 12S, 44E, Section 4. The 24.0 acres proposed to be dried up in section 33 are located in the SENE instead of the NENE. Please provide a map that outlines the location of the 77.0 acres that will be idled.

Three Mile Creek Irrigation Co. Bryce Crane, Manager

The purpose of this transfer is to rearrange the place of use for water right 11-4208 (statutory claim). Three Mile Creek Irrigation Company seeks to rearrange acres under their statutory claim water right to include a 43 acre portion of land that will be irrigated with a newly installed center pivot owned by Bryce Crane.

In December of 1981, the Department received a Claim to a Water Right (11-4208) filed in the name of Three Mile Creek Irrigation Company. The claim described a diversion of 1.18 cfs for stockwater and irrigation purposes from Dunns Canyon Creek. The total number of irrigated acres described was 560.0 acres. The stockwater use claimed was for 300 head of cattle, sheep and horses. Priority Date claimed was May 30, 1900.

Generally, applications for transfer proposing to change elements of a statutory claim must be reviewed to determine the validity, extent of beneficial use and the priority date established under the claim. A review of a statutory claim includes field verification or other means to confirm the existence of the right. For the Department to process this application please provide the necessary information that establishes the elements, extent of beneficial use and priority date for right 11-4208. Below is a list of questions and items that will aid you with the type of information that the Department needs for their review:

- Evidence of Priority. Records showing the use of water under this claim beginning on May 30, 1900.
- Quantity of water diverted. Provide historic water delivery records.
- Location of point(s) of diversion. Provide legal description and map. Description of the water delivery system along with a map.
- Place of use. How many acres are irrigated? Where are these acres located? Provide legal descriptions and map.
- When was Three Mile Creek Irrigation Company created? Are there documents showing when the company was established? Who are the Canal Company Members? How many share holders does the company have?

According to the application, the place of use after the requested changes is only for 43.0 acres. This is in error. The place of use after the requested changes should include all (560 acres?) acres irrigated under the right. A map depicting the new place of use should also be included.

In your narrative you mentioned that Mr. Crane has requested and the applicant has agreed to rearrange 43 acres under right 11-4208. However, no evidence of filing authority for the requested change has been provided. Additional information regarding Three Mile Irrigation Company is needed. Whenever an application for transfer is filed by a business, association, or other type of an entity, the Department must verify that the organization is an actual entity and the individual signing or making the changes on behalf of the entity has the authority to make those changes. The authority for you to sign the application on behalf of the applicant has been provided correctly. However, neither Department records nor the Idaho Secretary of State's website have any information regarding Three Mile Irrigation Company and who is authorized to make changes in behalf of the Company. Please provide documentation regarding the Three Mile Creek Irrigation Company and documentation showing who is an authorized member and can act on behalf of the Company.

We understand that gathering information regarding the validity, extent of beneficial use and priority for right 11-4208 may take time. Please provide the information and the application changes described above by June 1, 2015. If we don't receive the information and changes by June 1st then we will return your applications and refund your money.

Once we receive and review this information we will contact you to set up a time to conduct a field verification exam. If you have any questions please don't hesitate to call.

Sincerely,



Blake Jordan
Sr. Water Resource Agent
IDWR