

Yenter, Cindy

From: Yenter, Cindy
Sent: Thursday, May 16, 2013 9:52 AM
To: 'John Marshall'
Cc: Merritt, Allen
Subject: RE: Double C Main Farm Transfer Amended Application

Thank you John. I've asked Allen to look over the model runs to make sure he concurs that they are sufficient. I will be out of the office May 20-27 but will be in touch after I return. In the meantime if Allen has any concerns with the model analysis he'll let you know.

Cindy

From: John Marshall [mailto:john@jmarshalllaw.com]
Sent: Friday, May 10, 2013 4:27 PM
To: Yenter, Cindy
Subject: Re: Double C Main Farm Transfer Amended Application

Cindy, is the attached memo sufficient to satisfy the requirement on the ESPA model runs for the transfer? The model runs show no mitigation is necessary.

Thank, John

On Tue, Mar 12, 2013 at 4:26 PM, John Marshall <john@jmarshalllaw.com> wrote:
Cindy, I apologize for the delay in getting the revised package to you. I'm waiting to get the ESPA analysis back, then I should be ready to go. Meanwhile, I think we're on the same page on the diversion rate with a very small exception on the rate for the new ground water rights. Your spreadsheet lists 3.04 cfs for the portions of rights 45-2382 et al that we added to the transfer. I get 3.01, so obviously a very small difference, but to see if we can reconcile, can you show me how you get 3.04? Thanks,

John

On Fri, Feb 22, 2013 at 10:15 AM, Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov> wrote:

John I do think you did a nice job with this; it's a complex transfer. And I haven't processed a transfer in many years, so I need all the help I can get! With respect to diversion rates I got tripped up with the large surface group 45-169 et al, since the combined limit includes that stockwater split 13456 which is not a part of the transfer. However I am thinking right now that since 45-13974 was decreed as an expansion it can't be additive as I suggested, so my initial 33.48 may actually be incorrect and the sum of that group is 33.48-0.29 (the stock right) or 33.19. That would still make my total 83.65..... dang this is not an exact science, is it?

From: John Marshall [mailto:john@jmarshalllaw.com]
Sent: Friday, February 22, 2013 10:01 AM
To: Yenter, Cindy
Subject: Re: Double C Main Farm Transfer Amended Application

Thanks, Cindy, for your quick review. I'll take a closer look at diversion rate, have the model run and will prepare a map. I overlooked adding 2B. I think you're right, all the information is prepared in Exhibit D, so I should be able to just make reference. I went round and round on diversion rate and kept notes on how I got there, so hopefully I can quickly locate the discrepancy. I'm actually pleased to see your number is pretty close to mine given the complexity of all the combined use limits. I'll shoot for getting the final package back to you middle of next week.

John

On Fri, Feb 22, 2013 at 9:48 AM, Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov> wrote:

John – I have reviewed the amended application and I believe you are nearly ready to submit it. I did not complete a comprehensive pod/pou analysis. I focused on split rights, combined limits and the fee, and I did find a few minor discrepancies. These computations aren't always intuitive, so please don't feel criticized! They are discussed below, and there is some additional documentation you will have to provide before we can move forward:

- I could not replicate 82.91 cfs as a total diversion rate. The value I kept arriving at was 83.94 cfs, which results in a slightly higher fee (\$40). I think this is due in part to an error in the calculation of the rates of flow from the split rights 45-2382, 2600A, et al, and in part from some error in evaluating combined diversion rates. I created a spreadsheet which includes my split analysis of imported rights, and also includes a fee analysis page where I've identified the combined limits of the various groups of rights, so you can see how I got there.
- Because your original application didn't include any split rights, Transfer Part 2B was not applicable and was not submitted. The amended application will involve splits but Part 2B is omitted. This page identifies the portions of rights which will be split and moved. This information appears to be contained in the amended application as Exhibit D, so you could just refer to that as Part 2B info. I've included a scan of Part 2B for your reference and you can include this page with the packet if desired.
- Because new rights are being transferred into the system, an ESPA model analysis will have to be run based on the added flow (3.04 cfs). All but a couple of the Double C Main Farm wells (the TO wells) are within the smooth model boundary, and all 5 of the FROM wells are within the boundary. However the FROM wells are not in adjacent models cells to any of the TO wells or any part of the main farm, so the model analysis is required.
- Finally, because the PPU acres in this transfer (7844.1) are significantly greater than the total authorized acres (7147.9), a map will be required which shows the initial location of the actual irrigated acres within the PPU, not to exceed the 7147.9 authorized acres. There will be a condition added to the water rights which requires the acre location map, and we are requiring a map on file prior to transfer approval. This map may be modified in subsequent years if

acreage location changes, without another transfer required, but a current acreage map must be on file and will be the current regulated POU. IDWR has added this condition in recent years to assist watermasters in keeping track of authorized acres in large PPU systems. Alternately, if the water users do not plan on ever going back to irrigating corners, or do not plan on changing the irrigated acres within the PPU, then the total acres should be reduced to reflect only the 7147.9 authorized acres, and the additional map would not be required.

Please review and let us know if you have any other questions. We'll be anticipating receipt of this application.

Cindy

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From: John Marshall [mailto:john@jmarshalllaw.com]
Sent: Wednesday, February 13, 2013 11:22 AM
To: Yenter, Cindy; Merritt, Allen
Subject: Double C Main Farm Transfer Amended Application

Cindy and Allen,

I have completed the amended transfer application for the Double C/Lambert property. A copy is attached. There are two primary changes. The first is to include the 5 recently decreed flood flow surface water rights (45-13973A-D and 45-13974). The second is to transfer acres from rights appurtenant to nearby farms into the main farm place of use. These rights are 45-2382; 45-2600A and its enlargement, 45-13469; and 45-2600B and its enlargement, 45-13470. A new Exhibit D includes maps and land lists that identify the location of the acres being transferred in.

Minor changes include amending the former 45-168 to reflect its change to 45-13455 and reduced cfs and acreage per a separate transfer application, updating the surface water points of diversion and updating the ground water points of diversion to add two existing wells.

I updated transfer using the same format as the original, so the bulk of the changes occur in the Exhibit A. I have included a redline that shows the changes. The first table under Section 2.A.3-7 (page 6 on the application, page 7 on the redline) appears to show more changes that were actually made because the redline interpreted the shift in the table caused by adding new rights as changes to rights listed in the original, but other than this, the redline accurately shows the changes.

The total diversion rate involved in the transfer, after sorting through various combined diversion rates, is 82.91 cfs. This is an increase of 29.29 cfs increase over the 53.62 cfs in the original. Based on our prior conversations, the applicant in prepared to pay an additional fee for the increased cfs based on the new fee structure. I calculate the additional required fee as being \$2,420.00. If this sounds correct, please confirm and I will have the check sent along with the original amended application.

Contact me with questions or comments. Thank you,

John