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January 19, 2015

RECEIVED
JAN 20 2015
Department of Water Resources
Eastern Region

Blake Jordan
Eastern Region Office
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: Response to Questions Regarding Transfer No. 79659 (Ward).

Dear Blake:

This letter is in response to your inquiries regarding the historic irrigation of pivot corners associated with Water Right No. 35-7075, which is the subject of Transfer No. 79659. I appreciate your patience as I have collected information to respond to your request.

Your main inquiry concerns how the pivot corners were irrigated on the property. Enclosed with this letter is a map showing the current point of diversion, which is on the southern part of the 320 acres irrigated by 35-7075. The well is located in the center on the southern boundary of the property where indicated on the map. Prior to pivots existing on the property, a solid mainline ran straight north from the well through the extent of the property. The property was then historically irrigated east and west from that mainline. When the pivots were installed, the same mainline was used, and the valves that existed at the ends were turned off as necessary. The corners were then irrigated often, though not every year. The determination of when to irrigate the corners was largely a function of whether the economics supported the labor involved with irrigating the corners. As far as the actual irrigation, hand lines were run from the valves, which then wrapped around the pivot corners and irrigated their entirety.

In 2009, I was asked by the Wards to review their water rights, and I asked about pivot corner irrigation on the property. They indicated that it had been irrigated, they thought, within the past few years, but at the time the Department's policy regarding forfeiture remained uncertain. At my request, they irrigated the pivot corners and harvested a crop from those corners consisting grass hay or alfalfa. Enclosed with this letter are numerous photographs of the irrigation that incurred in August of 2009. The photographs are all date stamped. As indicated on the map, there is a county road on the western side of the 320 acre parcel. On some of the photos, you can see the road. I am not entirely certain which direction each photograph was taken, but generally speaking, all of the pivot corners have been photographed. You will notice in some of the photos that the alfalfa hay under the pivots have been swathed. This is consistent with how the Wards have historically irrigated the corners. When the pivots were no longer needed, because the hay

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was curing, they would then concentrate hand lines on irrigating the corners. You can see from a number of the photos that there are drill marks from the hay stands, some of which were recently cut based on these photographs. In other photographs, you can see that the alfalfa has not yet been swathed, but is actually quite high, indicating that there has been recent irrigation of these pivot corners. As might be expected, the alfalfa in the pivot corners is not as thick or productive as that underneath the pivots because the irrigation was focused under the pivots. Nevertheless, it is absolutely clear that beneficial use was made of the water rights to irrigate a crop on the pivot corners, and the enclosed is photographic evidence of the historic irrigation of those corners.

We have also included maps with the 2011 and 2009 background imaging. The 2011 and the 2009 photos show some swath lines on some of the corners, and some darker vegetation near the corners. We feel very comfortable representing to the Department that these corners have been irrigated, certainly within the last five years of the submittal of Transfer No. 79659 and prior to 2009. If you have any further questions or concerns, please let us know. Otherwise, I presume the enclosed information satisfies your request for additional information, and look forward to the approved transfer in the coming weeks.

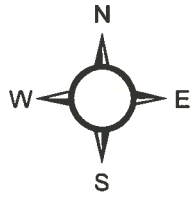
Best Regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

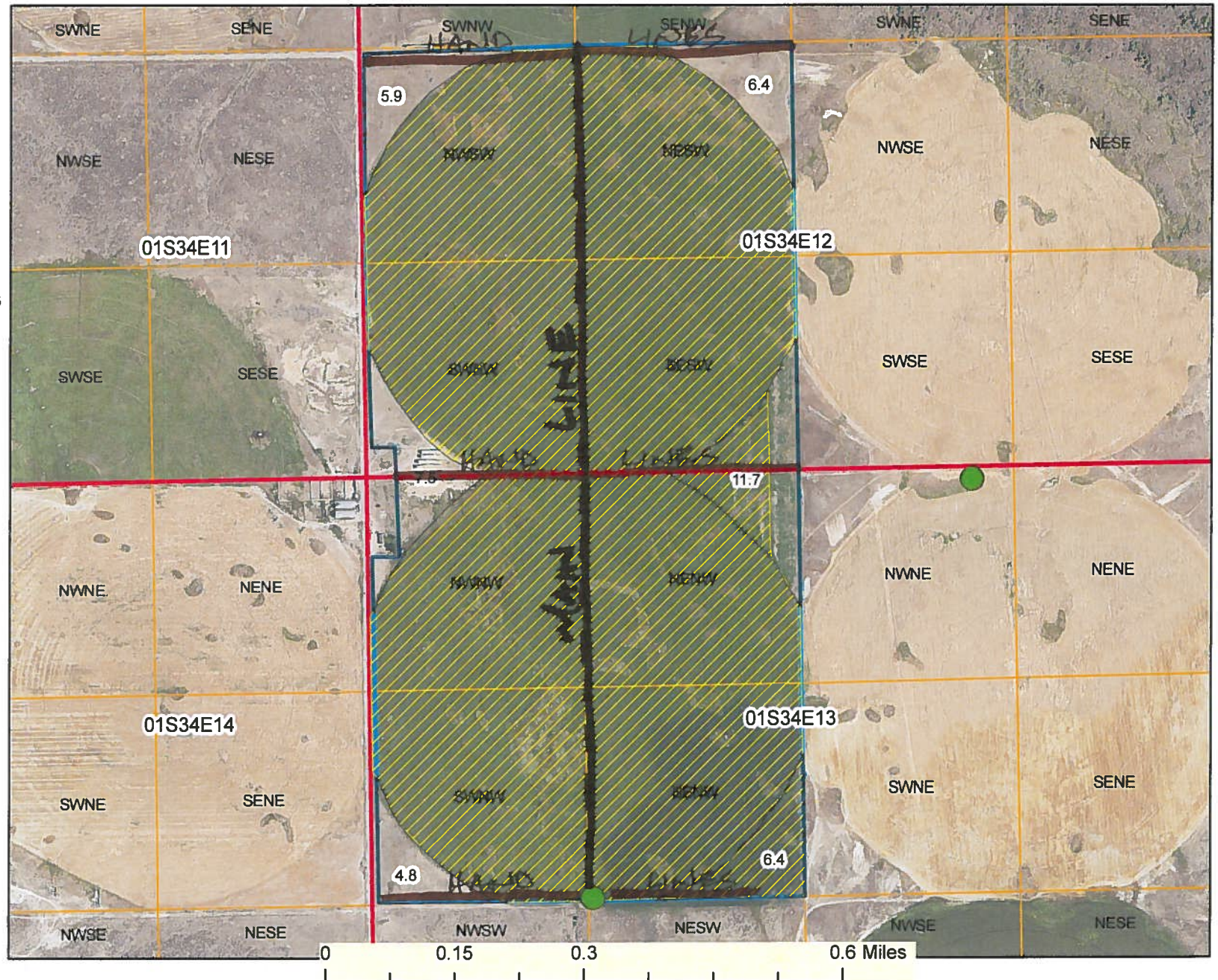
Enclosures

4W FARMS TRANSFER



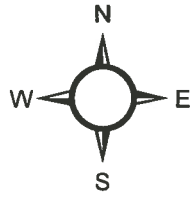
Legend

- New POU
- 7075 Pivot Corners
- wrpod
- New 7075 POU
- Old_7075
- Township_Lines
- Section_Lines
- Quarter-quarters



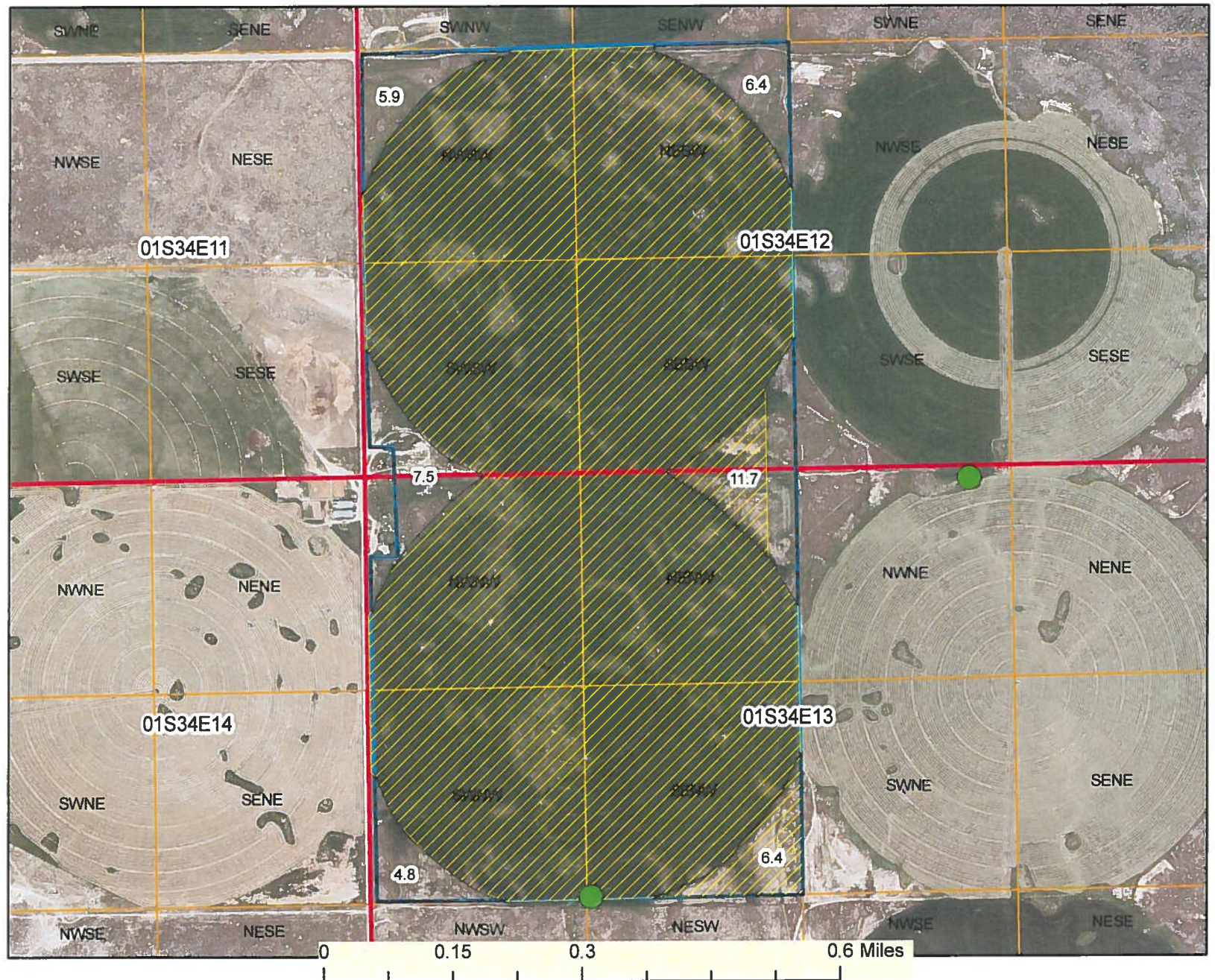
Prepared by:
Robert L. Harris
2013 Photo

4W FARMS TRANSFER



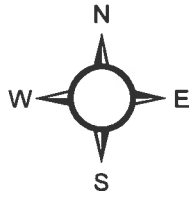
Legend

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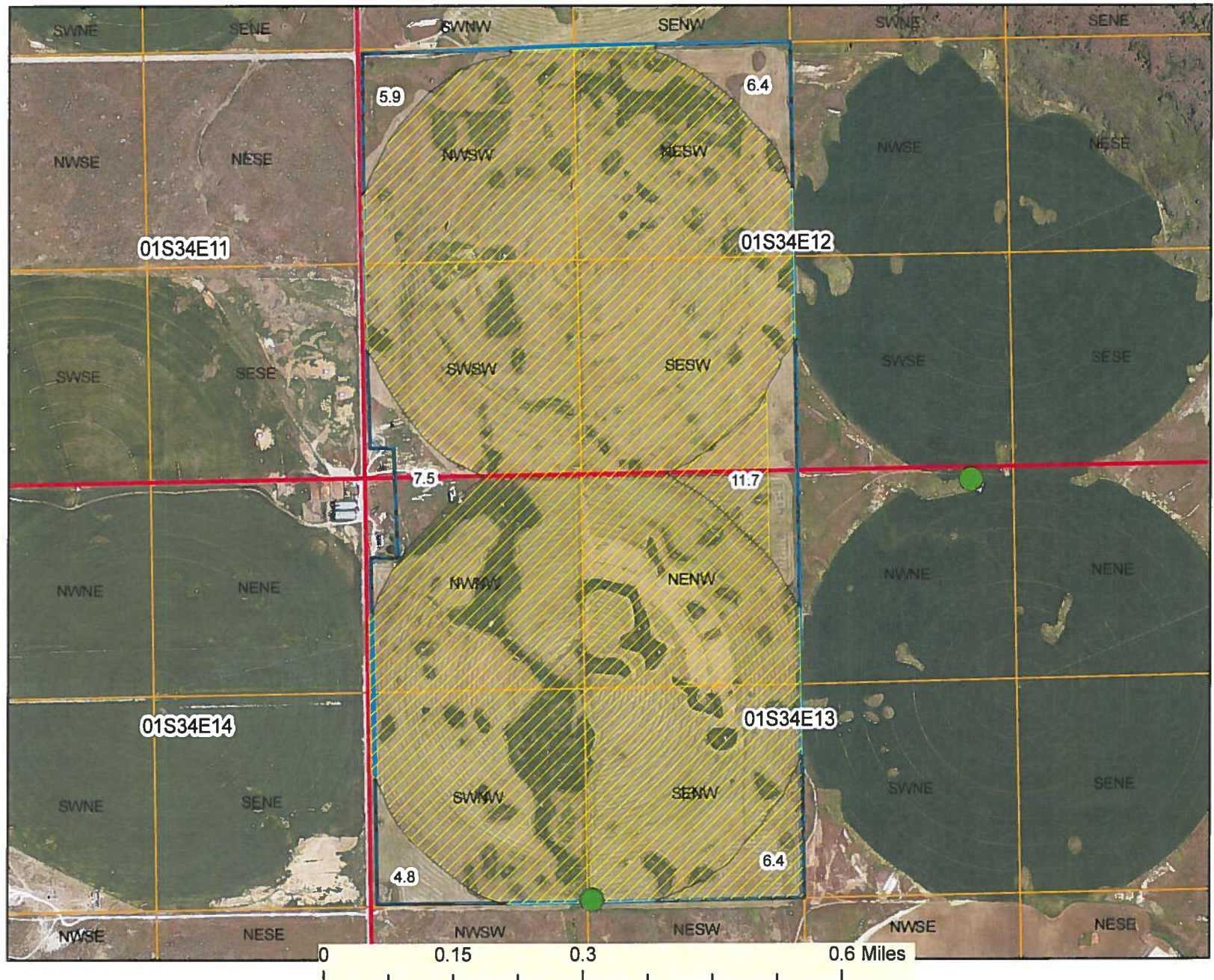
Prepared by:
Robert L. Harris
2009 Photo

4W FARMS TRANSFER



Legend

- New POU
- 7075 Pivot Corners
- wrpod
- New 7075 POU
- Old_7075
- Township_Lines
- Section_Lines
- Quarter-quarters



Prepared by:
Robert L. Harris
2011 Photo



2009.08.15



2009.08.15







2009.08.11



2009.08.11





2009.08.11



2009.08.11



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2009.08.11



2009.08.15



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