

Jordan, Blake

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Monday, November 25, 2013 2:04 PM
To: Jordan, Blake
Subject: Re: (5) Idaho Water Company Applications for Transfer 35-7192A and 35-9069
Attachments: Chubbuck_Contract_Addendum11252013.pdf; flyingA_Consent_to_Transfer_11252013.pdf

Hi Blake,

Please find attached a signed addendum authorizing the transfer of one additional acre to the City of Chubbuck signed today by Del Kohtz and Mayor Steve England. I have also attached a consent from Clen Atchley of Flying A to allow the transfer of water to his property.

I understand I still need to provide the locations of the proposed irrigation within the individual PPU's and will convey that information as soon as it is received. Let me know if you need anything else.

Thanks,
Jason C. Helms, P.E.
JCH Engineering & Consulting, PLLC
(208) 308-2109

On Thu, Nov 21, 2013 at 11:35 AM, Jordan, Blake <Blake.Jordan@idwr.idaho.gov> wrote:

Hi Jason,

I have finished reviewing these five offsetting transfers and there are a few items that need your attention:

Currently water rights 35-7192A and 35-9069 authorize the irrigation of 33.7 acres in the NENE of 04N, 35E, Section 11. According to your attachment #7B maps, these transfers proposed to dry up and remove 33.1 acres from the NENE of 04N, 35E, Section 11. However, based on the five applications under part 2B, the total number of acres proposed to be dried up and removed from the NENE of 04N, 35E, Section 11 is 34.1 acres.

City of Chubbuck

There appears to be a discrepancy between the number of acres and total volume proposed to be transferred and the number of acres and total volume proposed under the amended purchase and sale contract (pg 2 of the contract). According to the amended contract only 22.0 acres and 88.0 acre-feet are being purchased.

Flying A Ranch

You indicated in your cover letter that the department has an transfer agreement between Idaho Water Company and Flying A Ranch allowing the transfer of various water right to property owned by Flying A. That

agreement between Idaho Water Company and Flying A Ranch was specific only to the portions of water rights 35-12915 and 35-13316 that were involved in transfer 76808. The agreement does not authorize moving other water rights to the Flying A Ranch property. For us to process this application we will need a new consent agreement from Flying A Ranch.

The total rate of diversion and volume under Part 1.1(total authorized under rights) and Part 1.2(total amount of water proposed to be transferred or changed) of the application is in error.

The proposed point of diversion is in error. The location of the point of diversion on record for water rights 21-13121, 21-13149 and 21-13177 is the SWNW of 09N 42E Section 20.

The place of use description under Part 1. 4 of the application needs to be completed with the number of acres per QQ under the Permissible Place of Use.

A map outlining where the 2.0 acres of irrigation will occur within the permissible place of use needs to be submitted with the application.

Wickel Land

The place of use description under Part 1. 4 of the application needs to be completed with the number of acres per QQ under the Permissible Place of Use.

A map outlining where the 8.0 acres of irrigation will occur within the permissible place of use needs to be submitted with the application.

Jefferson County (Jefferson Lake)

The place of use description under Part 1. 4 of the application needs to be completed with the number of acres per QQ under the Permissible Place of Use.

A map outlining where the 4.0 ac of irrigation will occur within the parcel. A possible place of use needs to be submitted with the application.

I will hold onto these applications and you can send me amendments and any requested documents. Let me know if you have any questions.

Thanks, Blake

Jordan, Blake

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Thursday, November 21, 2013 2:08 PM
To: Jordan, Blake
Subject: Re: (5) Idaho Water Company Applications for Transfer 35-7192A and 35-9069
Attachments: TRANSFER3_Foster-FlyingA_part1_corrected.pdf; TRANSFER4_Foster-Wickel_part1_corrected.pdf; TRANSFER5_JeffersonLake_part1_corrected.pdf; TRANSFER5_JeffersonLake_part2b_corrected.pdf

Hi Blake,

I assume the ESPA analysis and off-setting mitigation is acceptable? I hoped the contracts allowed me some wiggle room and full off-setting mitigation requires 23 acres to Chubbuck rather than 22 so we will get another addendum.

I have attached a corrected part 1 for the Flying A transfer which still reflected the values from the first submittal originally intended for Country Club Hills. Those cases where I did not show a place of use description (Part 1.4 of the application) are currently permissible places of use that will not be expanded and it was my impression those portions did not need to be completed and could be skipped with the check of the box directly above - is this to be checked only where the water rights already exist at the point of diversion? Regardless, as you have requested, I have unchecked the box indicating no changes to the PPU (although there are no changes to the existing PPU's) and have regurgitated the existing permissible place of use information from the existing water rights. I tried to highlight any changes in yellow. Similarly, I have attached a corrected part 1 for the Wickel and Jefferson Lake transfers.

I have also attached corrected part 2b pages for the Jefferson County transfer that should take care of the dry-up discrepancy. The map was correct with 33.1 acres being dried up in the NENE so I have moved 1 acre from the NENE to the NWNE for this particular transfer.

I will send maps showing where the new irrigation will occur as I receive that information from the new users before the beginning of the 2014 irrigation season.

Let me know if you need anything else.

Thanks,
Jason C. Helms, P.E.
JCH Engineering & Consulting, PLLC
(208) 308-2109

On Thu, Nov 21, 2013 at 11:35 AM, Jordan, Blake <Blake.Jordan@idwr.idaho.gov> wrote:

Hi Jason,

I have finished reviewing these five offsetting transfers and there are a few items that need your attention:

Currently water rights 35-7192A and 35-9069 authorize the irrigation of 33.1 acres in the NENE of 04N, 35E, Section 11. According to your attachment #7B maps, these transfers proposed to dry up and remove 33.1 acres from the NENE of 04N, 35E, Section 11. However, based on the five applications under part 2B, the total number of acres proposed to be dried up and removed from the NENE of 04N, 35E, Section 11 is 34.1 acres.

City of Chubbuck

There appears to be a discrepancy between the number of acres and total volume proposed to be transferred and the number of acres and total volume proposed under the amended purchase and sale contract (pg 2 of the contract). According to the amended contract only 22.0 acres and 88.0 acre-feet are being purchased.

Flying A Ranch

You indicated in your cover letter that the department has an transfer agreement between Idaho Water Company and Flying A Ranch allowing the transfer of various water right to property owned by Flying A. That agreement between Idaho Water Company and Flying A Ranch was specific only to the portions of water rights 35-12915 and 35-13316 that were involved in transfer 76808. The agreement does not authorize moving other water rights to the Flying A Ranch property. For us to process this application we will need a new consent agreement from Flying A Ranch.

The total rate of diversion and volume under Part 1.1(total authorized under rights) and Part 1.2(total amount of water proposed to be transferred or changed) of the application is in error.

The proposed point of diversion is in error. The location of the point of diversion on record for water rights 21-13121, 21-13149 and 21-13177 is the SWNW of 09N 42E Section 20.

The place of use description under Part 1. 4 of the application needs to be completed with the number of acres per QQ under the Permissible Place of Use.

A map outlining where the 2.0 acres of irrigation will occur within the permissible place of us needs to be submitted with the application.

Wickel Land

The place of use description under Part 1. 4 of the application needs to be completed with the number of acres per QQ under the Permissible Place of Use.

A map outlining where the 8.0 acres of irrigation will occur within the permissible place of use needs to be submitted with the application.

Jefferson County (Jefferson Lake)

The place of use description under Part 1. 4 of the application needs to be completed with the number of acres per QQ under the Permissible Place of Use.

A map outlining where the 4.0 acres of irrigation will occur within the permissible place of use needs to be submitted with the application.

I will hold onto these applications and you can send me amendments and any requested documents. Let me know if you have any questions.

Thanks, Blake