

Cefalo, James

From: Cefalo, James
Sent: Tuesday, December 06, 2011 11:29 AM
To: 'davidscottbosen@yahoo.com'
Subject: Deep Creek Rights
Attachments: Bosen Ownership Change.pdf

David,

I hope the pdf file isn't too large. I've included five pages. The first page is a copy of license 13-7033. That is your latest priority water right from Deep Creek. When the licensing field exam was completed by the department in 1979, the examiner found that all of the rights from Deep Creek were being diverted through a single pump on the creek and delivered to all the irrigated acres through a common mainline. Pages 2 and 3 are maps prepared by the field examiner in 1979. Bosen L & L owns all of the irrigated acres identified on the map, except for those located within the Sayad Property. So, the primary area of concern is the SWNW, SENW, NESE, and NWSW of Section 7. Pages 4 and 5 provide a closer view of the Sayad property. Page 4 is simply an aerial photo from 2009. You can see that some parts of the property are cultivated. It is difficult to tell whether these areas are irrigated. Page 5 is a shape I created, incorporating the information from the two field exam maps. My shapes also agree with the acres listed in the 13-7033 license.

As we discussed, there are a couple of ways to avoid splitting the water rights. You could provide a copy of the deed from Bingham to Sayad's predecessor, showing that the water rights were specifically withheld in the deed. The deed must specifically identify the water rights or must state that water rights are not included. The other option is to have Sayad sign a notarized statement that he has no interest in the water rights from Deep Creek. In either case, once the ownership on the rights is updated to be Bosen L & L, you should consider filing a transfer to move the water right fully onto your property. We can discuss the details of the transfer at some later date.

Thanks for your help in tracking down additional information.

James Cefalo
Water Resources Program Manager
IDWR - Eastern Region
(208) 525-7161

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7033 Priority January 19, 1973 Amount 0.75 cfs

THIS IS TO CERTIFY, that Eldon B. Bingham
of Preston, Idaho, has complied with the terms and conditions of Permit
No. 13-7033 issued pursuant to Application for Permit dated January 19, 1973,
and has submitted proof to the Department of Water Resources on September 13, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.30 cfs of water from Deep Creek,
tributary to Bear River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from April 1 to November 1</u>	<u>at 0.75 cfs and *</u>	<u></u>
<u></u>	<u>from</u>	<u>at</u>	<u></u>
<u></u>	<u>from</u>	<u>at</u>	<u></u>
(both dates inclusive)			

Subject, however, to the condition that no more than 0.75 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
* acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7,
Twp 15S, Rge 39E in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	39E	7			11	36			16	1	11	26	27	37				20	216
		17							10										21
		18			36	25	21	33	20										141

Total number of acres irrigated 378

This right when combined with all other rights shall provide no more than .02 cfs
per acre nor more than 3.5 afa per acre for the lands above.

* This right when combined with Right 13-2264 and Right 11-0887B shall not
exceed 1323.0 acre feet per annum for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

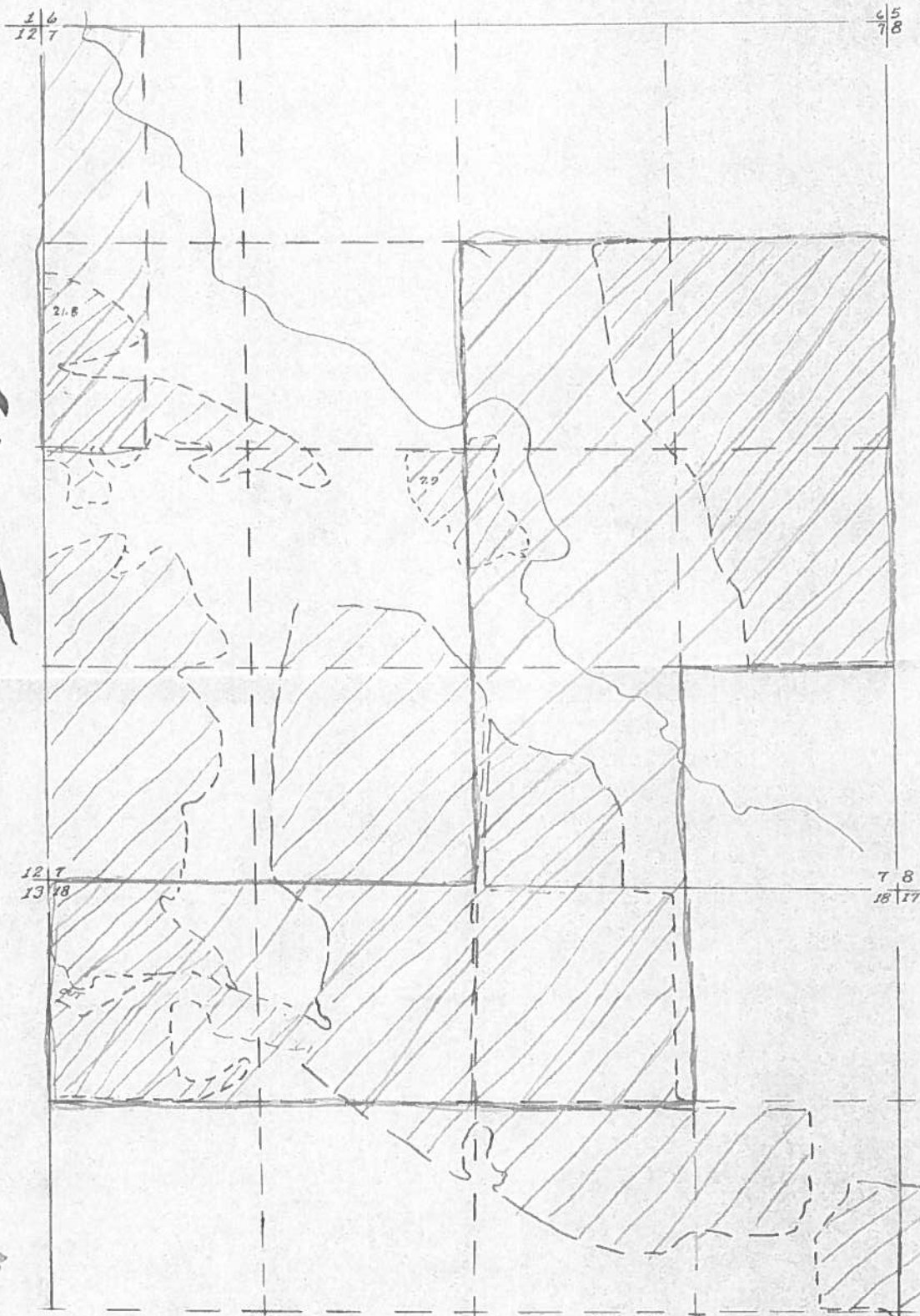
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12TH day of
MARCH, 19 84.

Acting for the Director

SCANNED
JAN 27 2013

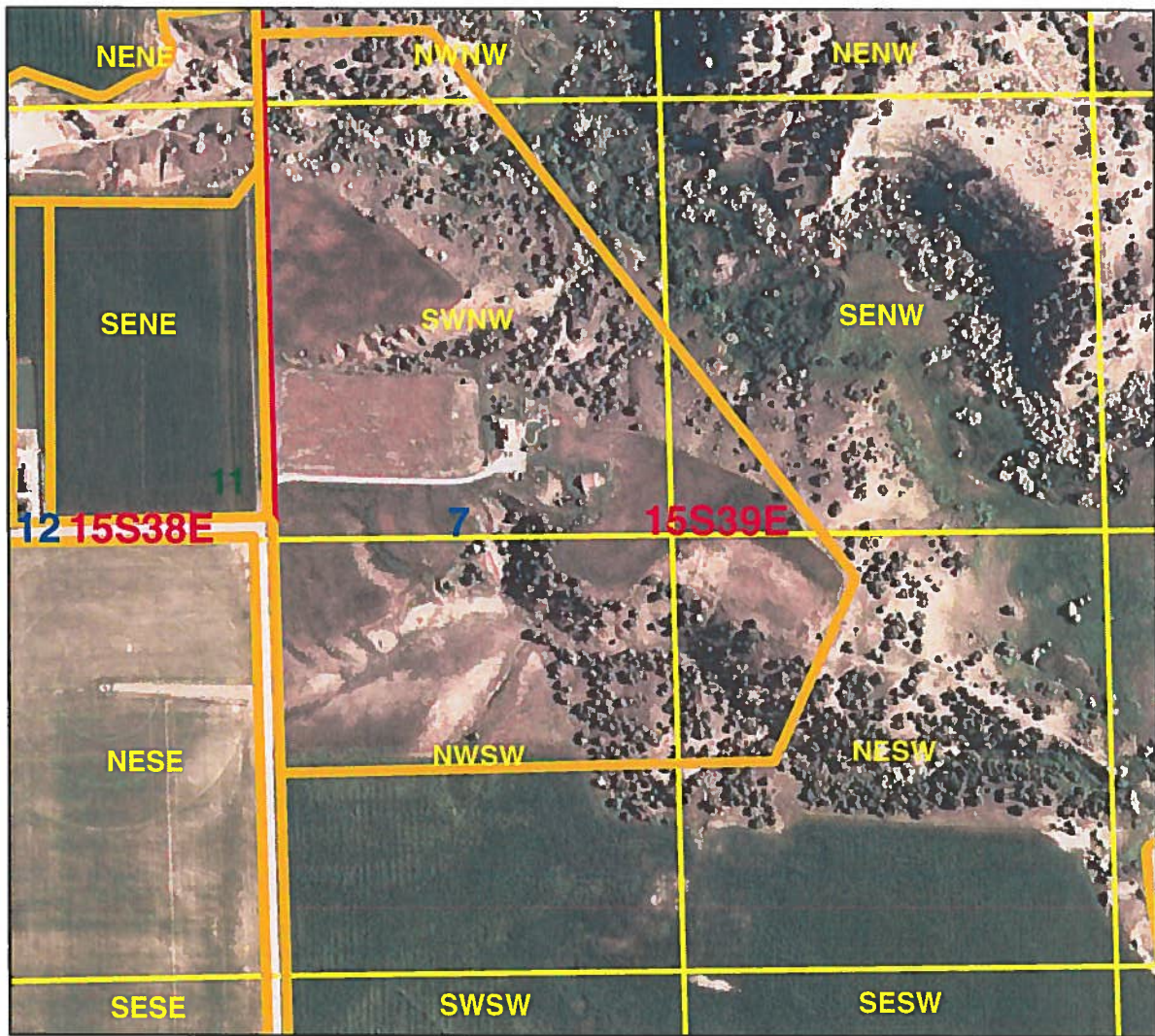
Overlay for 13-7033 Showing areas licensed
Under 13-2264 & Decreed under 11-0887 (T-958)



1/1 Land described under T-958
1/1 Land described under 13-2264

SCANNED

Sayad Property



0 0.05 0.1 0.2
Miles

Legend

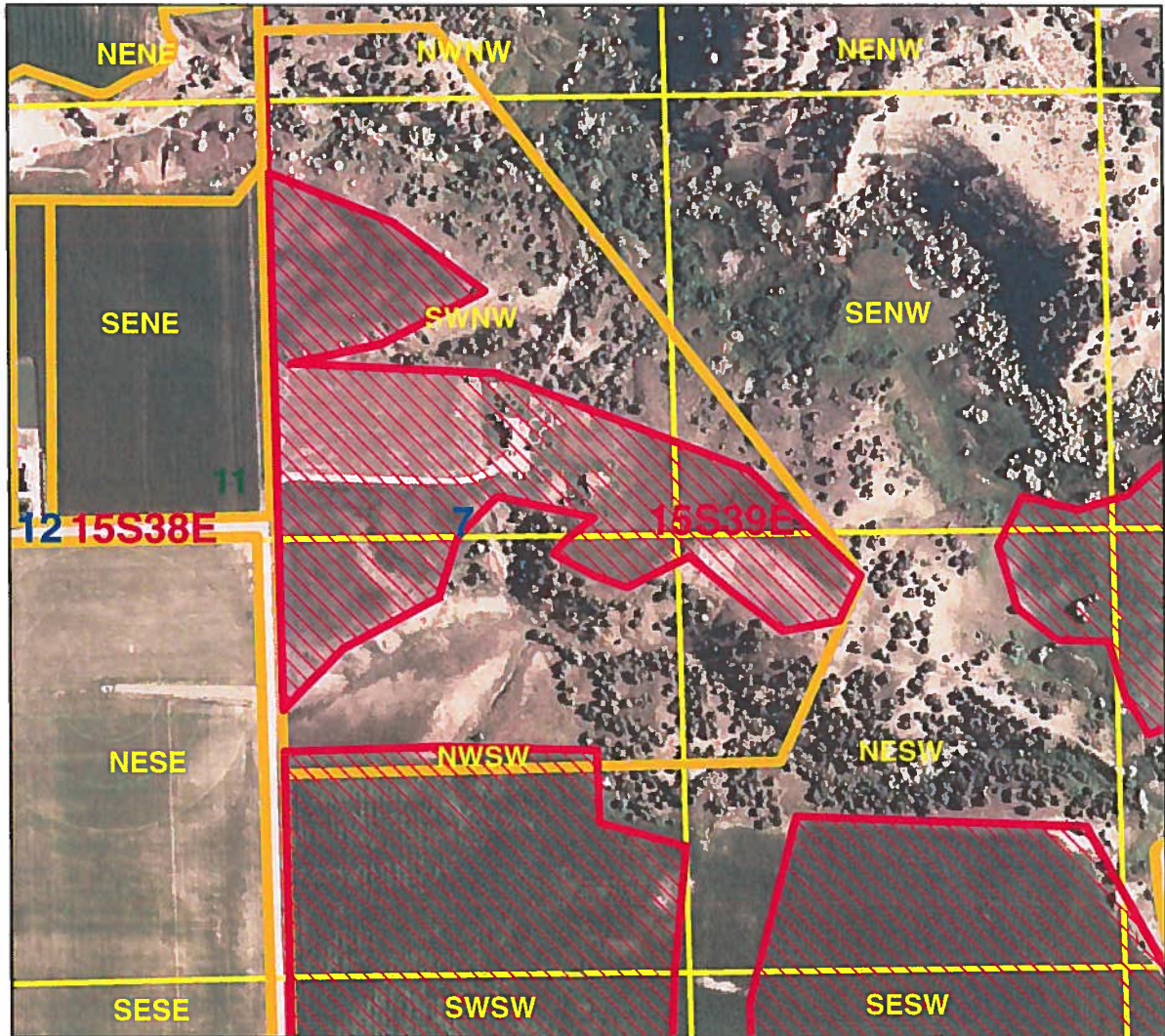
- Township/Range
- Sections
- QQ
- Taxlots



2009 Aerial Photography

Map prepared on Dec. 6, 2011

Sayad Property



Legend

-  Township/Range
-  Sections
-  QQ
-  Proposed POU
-  Taxlots

0 0.05 0.1 0.2
Miles



2009 Aerial Photography
Map prepared on Dec. 6, 2011