



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 11, 2012

CROOKHAM COMPANY
PO BOX 520
CALDWELL ID 83606

COPY

RE: Water right permit 63-11866 and
Change of ownership error for 63-11700 split into 63-33475 and 63-33476

Dear Stephen

I am reviewing permit 63-11866 in an effort to complete the licensing process. It appears that the irrigated ground associated with that permit is now totally owned by Crookham Company. The permit listed two points of diversion, one in Sec 16 SENE (Crookham) and one in Sec 9 SESE (Woodward). Based upon current information it appears that the permit should be assigned to Crookham.

In reviewing the permit I noted that there were overlapping rights associated with the point of diversion in Sec 9. Further review shows that the department erred when splitting right 63-11700. 63-11700 is considered the parent right and was split into 63-33475 and 63-33476 (considered the children of the parent right). Ultimately, the ownership of 63-33475 needs to be addressed but can be addressed later. Based upon tax lot information it appears that Woodward now owns a portion of that right.

Along with other parcels, the warranty deed identified the 4N, 5W, Sec 16 NENE as parcel 1 (excluding a 0.7 ac parcel in the southeast corner of that 40-acre tract) as going to Crookham. Unfortunately that parcel was not included in the split right portion going to Crookham (63-33476). This error also affected the proportionate diversion rate calculated for the splits. The irrigation limitation of 188.5 was not specifically split when generating the two children rights. In the following analysis the split of that acreage is calculated as a proportion based upon the modified POU and is a part of the conditions on each split right.

63-11700 was licensed for 3.77 cfs for the irrigation of 188.5 acres within a permissible place of use of 261 acres. The following table shows the POU breakdown by sections and 40-acre tracts.

63-11700 HISTORICAL POU				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
63-11700	4N	5W	9	38			38									34			38	148
	4N	5W	10								36									36
	4N	5W	16	37	4	6	30													77
																TOTAL				261

SCANNED

SEP 17 2012

The parent right was split as follows.

63-33475 HISTORICAL SPLIT				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
63-33475	4N	5W	9	38			38									34			38	148
	4N	5W	10								36									36
	4N	5W	16	37																37
																TOTAL				145

63-33475 should have excluded the 37 acres in Sec 16 thus reflecting a total POU of 108 ac.

63-33476 HISTORICAL SPLIT				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
63-33476	4N	5W	9	38			38									34			38	76
	4N	5W	16		4	6	30													40
																TOTAL				116

63-33476 should have included the 37 acres in Sec 16 thus reflecting a total POU of 153 ac.

The change in acreage for the two children results in the 188.5 acre limit and the original licensed rate of 3.77 cfs to be adjusted as follows:

Right	Proportionate POU split	Result	Proportionate Rate Split	Result
63-33475	108 ac/ 261 ac * 188.5 ac =	<u>78.0 ac</u>	108 ac/ 261 ac * 3.77 cfs =	<u>1.56 cfs</u>
63-33476	153 ac/ 261 ac * 188.5 ac =	<u>110.5 ac</u>	153 ac/ 261 ac * 3.77 cfs =	<u>2.21 cfs</u>

SUMMARY

Please review the attached records as modified and if you have questions please call me at the number listed above or you can come into the office to discuss them in greater detail. Once everybody is in agreement with the splits of 63-11700, the licensing of 63-11866 needs to be discussed. I will address the licensing process for that right at a later date.

Sincerely,



Kelly K Christensen
Sr Water Resource Agent
Western Region
e-mail address kelly.christensen@idwr.idaho.gov

CC: Stephen Woodward, Reed Batt
enclosures

SCANNED

SEP 17 2012

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-33476

WATER RIGHT NUMBER: 63-33476

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CROOKHAM CO INC PO BOX 520 CALDWELL, ID 83606-0520

Corrected right

Priority Date: 03/06/1992

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	2.210 CFS	
	<u>Total Diversion:</u>	2.210 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SE1/4	Sec. 9, Twp 04N, Rge 05W, B.M.
CANYON County		

Place of UseIRRIGATION Within CANYON County

T04N R05W S09	NENE	38.0	T04N R05W S09	SENE	38.0
T04N R05W S16	NENE	37.0	T04N R05W S16	NWNE	4.0
T04N R05W S16	SWNE	6.0	T04N R05W S16	SENE	30.0

Total Acres: 153

Conditions of Approval:

1. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
2. R27 This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.
3. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 497.3 af at the field headgate for the 110.5 acres authorized to be irrigated under this right.
4. X27 This right is limited to the irrigation of 110.5 acres within the place of use described above in a single irrigation season.
5. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

SCANNED

SEP 17 2012

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-33475

WATER RIGHT NUMBER: 63-33475

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORMAN A BATT 1621 IDAHO CALDWELL, ID 83605 (208)453-8588
Current Owner	FREDERICK C BATT 1621 IDAHO CALDWELL, ID 83605 (208)453-8588

Corrected right

Priority Date: 03/06/1992

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01	to 11/15	1.560 CFS	
	<u>Total Diversion:</u>		1.560 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW 1/4SE1/4SE1/4	Sec. 9,	Twp 04N,	Rge 05W, B.M.
CANYON County				

Place of UseIRRIGATION Within CANYON County

T04N R05W S09	NESE	34.0	T04N R05W S09	SESE	38.0
T04N R05W S10	SENW	36.0			

Total Acres: 108

Conditions of Approval:

1. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 351 af at the field headgate for the 78 acres authorized to be irrigated under this right.
2. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. R27 This right when combined with all other rights shall provide no more than 4.5 afa per acre for irrigation of the lands above.
6. X27 This right is limited to the irrigation of 78 acres within the place of use described above in a single irrigation season.

SCANNED

SEP 17 2012



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C.L. "BUTCH" OTTER
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GARY SPACKMAN
Director

September 11, 2012

STEPHEN WOODWARD
18818 PRESCOTT LN
NAMPA ID 83687

COPY

RE: Water right permit 63-11866 and
Change of ownership error for 63-11700 split into 63-33475 and 63-33476

Dear Stephen

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In reviewing the permit I noted that there were overlapping rights associated with the point of diversion in Sec 9. Further review shows that the department erred when splitting right 63-11700. 63-11700 is considered the parent right and was split into 63-33475 and 63-33476 (considered the children of the parent right). Ultimately, the ownership of 63-33475 needs to be addressed but can be addressed later. Based upon tax lot information it appears that Woodward now owns a portion of that right.

Along with other parcels, the warranty deed identified the 4N, 5W, Sec 16 NENE as parcel 1(excluding a 0.7 ac parcel in the southeast corner of that 40-acre tract) as going to Crookham. Unfortunately that parcel was not included in the split right portion going to Crookham (63-33476). This error also affected the proportionate diversion rate calculated for the splits. The irrigation limitation of 188.5 was not specifically split when generating the two children rights. In the following analysis the split of that acreage is calculated as a proportion based upon the modified POU and is a part of the conditions on each split right.

63-11700 was licensed for 3.77 cfs for the irrigation of 188.5 acres within a permissible place of use of 261 acres. The following table shows the POU breakdown by sections and 40-acre tracts.

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																TOTAL				261

SCANNED

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63-33475 should have excluded the 37 acres in Sec 16 thus reflecting a total POU of 108 ac.

63-33476 HISTORICAL SPLIT				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
63-33476	4N	5W	9	38			38									34			38	76
	4N	5W	16		4	6	30													40
																TOTAL				116

63-33476 should have included the 37 acres in Sec 16 thus reflecting a total POU of 153 ac.

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Director

September 11, 2012

REED BATT
PO BOX 287
WILDER ID 83676

COPY

RE: Water right permit 63-11866 and
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	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
63-33476	4N	5W	9	38			38									34			38	76
	4N	5W	16		4	6	30													40
																TOTAL				116

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