

Van Bussum, Monica

From: Fritschle, Carter
Sent: Wednesday, October 24, 2012 3:39 PM
To: Van Bussum, Monica
Subject: 74-2320 Ellsworth Ranch
Attachments: 74-2320 Overlap Map.pdf; 74-2320.doc

Hi Monica,

When the Lemhi high flow claims were decreed disallowed by the court, we found that Ellsworth Angus Ranch's right 74-2320 was hanging out as an uncontested overlap. My review of the right showed that a combined acre limit was necessary since a portion of the 115 acres were within the 843.4 acre permissible place of use for 74-42, and the rest of the rights listed in the combined acre condition on that right.

What I came up with was that the recommended POU shape for 74-2320 added 36.6 acres to the 843.4 acre PPOU, so I added a combined acre limit in just 74-2320 of 880 acres when used with the rest of the rights that have the 843.4 acre PPOU.

What I did not realize was that when Ellsworth filed his transfer to make the PPOU, he purposely left out 74-2320 and high flow right 74-15190. I had thought this must have been an oversight rather than intentional.

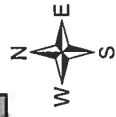
So, when I talked to Mr. Ellsworth about this, his main concern was would he still be able to put a portion of 74-2320 in the water bank and lease it out. I did not think this should be a problem since it looks like he was only leasing the portion of 74-2320 that did not overlap the other rights. In fact, it looks like he might be able to lease 36.6 acres instead of just 26.5 acres, and still not disturb his other rights.

He asked that I send him the map I generated that showed the relationship between 74-2320 and the 843.4 acre PPOU. I am attaching that map as well as the new recommendation to this email because it may be helpful in the future to determine what can be leased to the water bank.

I hope all of this makes sense, and if for some reason the combined acre limit interferes with the lease to the water bank, please let me know.

Carter

74-2320



Legend

- 843.4 Acre Permissible Place of Use
- 74-2320 115 Acre Place of Use

07/24/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-2320

NAME AND ADDRESS: ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE ID 83464

SOURCE: EIGHTEENMILE CREEK TRIBUTARY: LEMHI RIVER
TEXAS CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.300 CFS

PRIORITY DATE: 11/08/1957

POINT OF
DIVERSION: T15N R26E S1 NESW Within LEMHI County
T15N R26E S11 SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.300 CFS
PLACE OF USE: <u>IRRIGATION in LEMHI County</u>		
T16N R26E S34 SENE 4.20	T16N R26E S34 NESE	0.10
T16N R26E S35 SWNE 14.00	T16N R26E S35 SWNW	35.00
T16N R26E S35 SENW 34.00	T16N R26E S35 NESW	2.60
T16N R26E S35 NWSW 4.40	T16N R26E S35 NESE	7.70
T16N R26E S35 NWSE 13.00		

115 ACRES TOTAL

Right nos. 74-42, 74-66, 74-67, 74-110, 74-111, 74-2320, 74-2329, 74-7006 and 74-7148 are limited to the irrigation of a combined total of 880 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Van Bussum, Monica

From: Case, Morgan
Sent: Wednesday, October 24, 2012 4:41 PM
To: Van Bussum, Monica
Subject: RE: 74-2320 Ellsworth Ranch

Thanks for letting me review this, Monica. As long as we're able to continue the lease, I think we're good. When the lease expires in 2015 we'll purchase or a longer term lease (this time through the Lemhi Rental Pool) and go for the 36.6 acres.

Morgan

*Morgan Case
Staff Biologist
Idaho Department of Water Resources
7600 Mineral Dr. Suite 100
Coeur d'Alene, ID 83815
Phone 208.762.2803
Fax 208.287.2819*

From: Van Bussum, Monica
Sent: Wednesday, October 24, 2012 3:28 PM
To: Case, Morgan
Subject: FW: 74-2320 Ellsworth Ranch

Hi Morgan,

I'm forwarding an email I received from Carter about the Ellsworth Bank lease. Since this lease is your show, I thought I'd give you the chance to review. I don't see any issues with the lease, and neither does Carter (see also Carter's comment about Ellsworth leasing more).

Monica

From: Fritschle, Carter
Sent: Wednesday, October 24, 2012 3:39 PM
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Hi Monica,

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