

Pre-hearing Conf. Notes

T.# 75397
tele-conference

8/1/12 ADM

- Capacity of pipeline is 80 gpm or 0.18 cfs rights 47-39B & 47-44B cover use and capacity of system.
- Users experiencing problems with existing capacity since they have had to move cows early this year.
- Users not willing to add more use to pipeline. Cannot add 10% or 8 gpm to pipeline since at capacity at present.
- Identified need to get BLM approval to utilize pipeline.
- Applicant requested holding application to explore other alternatives to use of pipeline. Not willing at this time to withdraw application.

Merritt, Allen

From: Price, Fredric W [fwprice@blm.gov]
Sent: Tuesday, July 31, 2012 3:46 PM
To: Conrad, Vic (vic.conrad@simplot.com)
Cc: Merritt, Allen; Claxton, Lisa L
Subject: Transfer #75397 (Brackett Ranches Limited Partnership), 47-14320 (Aslett Ranches Partnership)

Vic,

RE: Transfer #75397 (Brackett Ranches Limited Partnership), 47-14320 (Aslett Ranches Partnership)

BLM missed the protest deadline for this transfer because the Point of Diversion (POD) and Place of Use (POU) describe private land and Brackett did not say anything about using BLM's pipeline in the transfer, therefore we didn't notice the fact that Brackett's transfer seeks to deliver the water through a federally owned facility known as House Creek Pipeline (Project #5985 et al).

A right-of-way from BLM would be required in order to use a federal facility to deliver water to private land; to authorize points of connection to the pipeline; and install pipe across federal land to private land (if applicable). Any right-of-way processing would also require an evaluation of whether BLM believes there is capacity in the system to accommodate an influx of additional quantity.

The BLM-issued authorization (Cooperative Range Improvement Agreement) for the range improvement known as House Creek Pipeline (Project #5985) also requires permission from the Devil Creek Water Users Board of Directors before such a right-of-way could be issued.

The transfer should be denied as it defines an unauthorized use of a federally owned facility. I queried our lands record system and found no evidence that a right-of-way is being pursued.

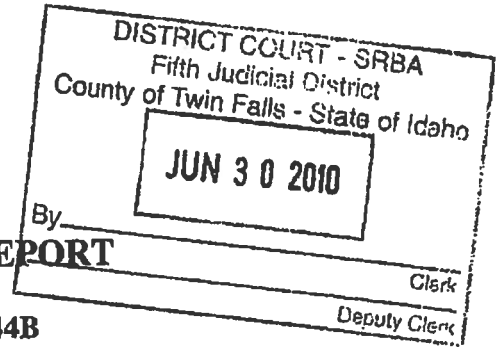
Fred Price
Water Rights Specialist
BLM, Idaho State Office
(208) 373-3831

PS:

If the transfer is approved despite these issues, then I would hope IDWR would include conditions defining that a water right doesn't grant access to other people's land or facilities (such as those below); and require proof of authorization from BLM and Devils Creek Water Users before the transfer is approved:

Condition X57: "Approval of transfer 75397 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner."; and/or

Condition 004: "This right does not grant any right-of-way or easement across the land of another."



AMENDED DIRECTOR'S REPORT

Subcase No. 47-39B and 47-44B

In Re SRBA

Twin Falls County Civil Case No. 39576

80 gpm capacity of system

Report to the SRBA District Court

**Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Carter Fritschle, Water Rights Adjudication Section Manager**

June 28, 2010

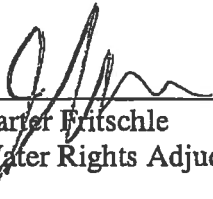
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the Amending Order Setting Deadlines issued by Special Master Booth on January 29, 2010, Amended Director's Report for the aforementioned subcases are attached.

Respectfully submitted this 28 day of June, 2010.

For 
Carter Fritschle
Water Rights Adjudication Section Manager

CERTIFICATE OF SERVICE

I certify that on June 29, 2010, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

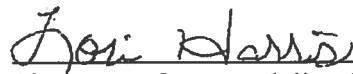
J R SIMPLOT SELF DECLARATION
REVOCABLE TRUST
PO BOX 27
BOISE, ID 83707-0027

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449

DEVIL CREEK RANCH INC
C/O RONDA K MACAW, PRESIDENT
5594 S BASALT AVE
BOISE, ID 83716

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person delivering form

06/28/2010

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

RIGHT NUMBER: 47-39B

NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027

SOURCE: HOUSE CREEK
SPRINGS

TRIBUTARY: CEDAR CREEK
TRIBUTARY: HOUSE CREEK

QUANTITY: 0.180 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1893

POINT OF
DIVERSION:

T15S R13E S18 SENWSE Within TWIN FALLS County
T15S R13E S19 SWNE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 10/01	0.180 CFS

PLACE OF USE:

STOCKWATER in OWYHEE County and TWIN FALLS County

T10S R10E S12	NWNW	T10S R10E S15	SESE
T10S R10E S20	SENE	T10S R10E S20	SESE
T10S R10E S22	SESE	T10S R10E S25	SESE
T10S R10E S27	SWSW	T10S R10E S29	SWNE
T10S R10E S32	NESE	T10S R10E S33	NWNE
T10S R10E S33	SWNW	T10S R11E S02 Lot 4	NWNW
T10S R11E S05	SWSE	T10S R11E S09	NENE
T10S R11E S10	SENE	T10S R11E S14	SWSE
T10S R11E S20	SENE	T10S R11E S27	NENW
T10S R11E S28	NESE	T10S R11E S36	NWSW
T10S R12E S15	SESE	T10S R12E S21	SESW
T11S R10E S02	SESW	T11S R10E S05	NESE
T11S R10E S08	SENE	T11S R10E S11	SWSE
T11S R10E S12	NESE	T11S R10E S14	SWSE
T11S R10E S16	NESW	T11S R10E S17	SENE
T11S R10E S21	SENE	T11S R10E S23	NWSE
T11S R10E S24	NWSE	T11S R10E S25	SESE
T11S R10E S28	SESE	T11S R10E S33	NWNE
T11S R10E S35	NENE	T11S R10E S35	NWSE
T11S R11E S04	SENE	T11S R11E S08	NESW
T11S R11E S14	SESE	T11S R11E S16	NWSE
T11S R11E S18 Lot 3	NWSW	T11S R11E S27	NESW
T11S R12E S04	NESW	T11S R12E S05 Lot 2	NWNE
T11S R12E S08	SENE	T11S R12E S10	NWSW
T11S R12E S16	NENE	T11S R12E S21	SESE
T11S R12E S22	NESW	T11S R12E S30 Lot 4	SWSW

T11S R12E S34	SESW	T11S R12E S34	SWSE
T12S R10E S03	NWSE	T12S R10E S11	NWSW
T12S R10E S12	NENE	T12S R10E S25	SWSW
T12S R10E S25	NESE	T12S R10E S26	SESW
T12S R10E S27	SESE	T12S R11E S01	SENE
T12S R11E S05	SENE	T12S R11E S13	NWNE
T12S R11E S16	SWNE	T12S R11E S16	SESE
T12S R11E S18	NENW	T12S R11E S27	NWNW
T12S R11E S30	SWNE	T12S R12E S15	SENE
T12S R12E S15	NWSW	T12S R12E S21	NWSW
T12S R12E S30	NESW	T12S R12E S32	SESW
T13S R10E S12	SENW	T13S R10E S12	SESE
T13S R10E S13	NESE	T13S R10E S24	SENE
T13S R11E S03 Lot 3	NENW	T13S R11E S07	SENW
T13S R11E S08	SWNE	T13S R11E S10	SENW
T13S R11E S11	NESW	T13S R11E S14	NWSE
T13S R11E S17	SWSE	T13S R11E S18	SENE
T13S R11E S21	SESE	T13S R11E S23	NESW
T13S R11E S29	NENE	T13S R11E S29	NWNW
T13S R11E S30 Lot 2	SWNW	T13S R11E S33	NENE
T13S R11E S34	NWSE	T14S R11E S01	SWSE
T14S R11E S03	SESW	T14S R11E S04	SESE
T14S R11E S05	SESW	T14S R11E S10	SWNE
T14S R11E S11	SWSE	T14S R11E S12	SESW
T14S R11E S13	NWNW	T14S R11E S15	SWSW
T14S R11E S23	SENE	T14S R11E S23	SESE
T14S R11E S25	NESW	T14S R11E S36	NENE
T14S R12E S07	SESW	T14S R12E S07	SESE
T14S R12E S32	NESE	T14S R12E S33	NESW
T14S R12E S34	SESW	T15S R13E S18	NWSE
T15S R13E S19	SWNE		

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

The right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Spring source is also locally known as Steel Springs.

06/28/2010

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

RIGHT NUMBER: 47-44B

NAME AND ADDRESS: DEVIL CREEK RANCH INC
C/O RONDA K MACAW, PRESIDENT
5594 S BASALT AVE
BOISE ID 83716

SOURCE: HOUSE CREEK SPRINGS TRIBUTARY: CEDAR CREEK
TRIBUTARY: HOUSE CREEK

QUANTITY: 0.180 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/15/1885

Use of water under this transfer is junior to all water rights filed on or using Steel Springs, House and Cedar Creeks prior to the approval of transfer #2489 on 2/28/1983.

POINT OF DIVERSION:

T15S R13E S18 SENWSE Within TWIN FALLS County
T15S R13E S19 SWNE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	10/02 04/30	0.180 CFS

PLACE OF USE: STOCKWATER in OWYHEE County and TWIN FALLS County

T10S R10E S12	NWNW	T10S R10E S15	SESE
T10S R10E S20	SENE	T10S R10E S20	SESE
T10S R10E S22	SESE	T10S R10E S25	SESE
T10S R10E S27	SWSW	T10S R10E S29	SWNE
T10S R10E S32	NESE	T10S R10E S33	NWNE
T10S R10E S33	SWNW	T10S R11E S02 Lot 4	NWNW
T10S R11E S05	SWSE	T10S R11E S09	NENE
T10S R11E S10	SENE	T10S R11E S14	SWSE
T10S R11E S20	SENE	T10S R11E S27	NENW
T10S R11E S28	NESE	T10S R11E S36	NWSW
T10S R12E S15	SESE	T10S R12E S21	SESW
T11S R10E S02	SESW	T11S R10E S05	NESE
T11S R10E S08	SENE	T11S R10E S11	SWSE
T11S R10E S12	NESE	T11S R10E S14	SWSE
T11S R10E S16	NESW	T11S R10E S17	SENE
T11S R10E S21	SENE	T11S R10E S23	NWSE
T11S R10E S24	NWSE	T11S R10E S25	SESE
T11S R10E S28	SESE	T11S R10E S33	NWNE
T11S R10E S35	NENE	T11S R10E S35	NWSE
T11S R11E S04	SENE	T11S R11E S08	NESW
T11S R11E S14	SESE	T11S R11E S16	NWSE
T11S R11E S18 Lot 3	NWSW	T11S R11E S27	NESW
T11S R12E S04	NESW	T11S R12E S05 Lot 2	NWNE

T11S R12E S08	SENW	T11S R12E S10	NWSW
T11S R12E S16	NENE	T11S R12E S21	SESE
T11S R12E S22	NESW	T11S R12E S30 Lot 4	SWSW
T11S R12E S34	SESW	T11S R12E S34	SWSE
T12S R10E S03	NWSE	T12S R10E S11	NWSW
T12S R10E S12	NENE	T12S R10E S25	SWSW
T12S R10E S25	NESE	T12S R10E S26	SESW
T12S R10E S27	SESE	T12S R11E S01	SENE
T12S R11E S05	SENE	T12S R11E S13	NWNE
T12S R11E S16	SWNE	T12S R11E S16	SESE
T12S R11E S18	NENW	T12S R11E S27	NWNW
T12S R11E S30	SWNE	T12S R12E S15	SENE
T12S R12E S15	NWSW	T12S R12E S21	NWSW
T12S R12E S30	NESW	T12S R12E S32	SESW
T13S R10E S12	SENW	T13S R10E S12	SESE
T13S R10E S13	NESE	T13S R10E S24	SENE
T13S R11E S03 Lot 3	NENW	T13S R11E S07	SENW
T13S R11E S08	SWNE	T13S R11E S10	SENW
T13S R11E S11	NESW	T13S R11E S14	NWSE
T13S R11E S17	SWSE	T13S R11E S18	SENE
T13S R11E S21	SESE	T13S R11E S23	NESW
T13S R11E S29	NENE	T13S R11E S29	NWNW
T13S R11E S30 Lot 2	SWNW	T13S R11E S33	NENE
T13S R11E S34	NWSE	T14S R11E S01	SWSE
T14S R11E S03	SESW	T14S R11E S04	SESE
T14S R11E S05	SESW	T14S R11E S10	SWNE
T14S R11E S11	SWSE	T14S R11E S12	SESW
T14S R11E S13	NWNW	T14S R11E S15	SWSW
T14S R11E S23	SENE	T14S R11E S23	SESE
T14S R11E S25	NESW	T14S R11E S36	NENE
T14S R12E S07	SESW	T14S R12E S07	SESE
T14S R12E S32	NESE	T14S R12E S33	NESW
T14S R12E S34	SESW	T15S R13E S18	NWSE
T15S R13E S19	SWNE		

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source is also locally known as Steel Springs.