

## Cox, Sharla

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**From:** Price, Fredric W [fwprice@blm.gov]  
**Sent:** Monday, July 09, 2012 4:12 PM  
**To:** Cefalo, James  
**Cc:** Cox, Sharla; Anderson, Brandon D  
**Subject:** Amended Transfer #76901 (74-00175 et al.), Eagle Valley Ranch  
**Attachments:** 74-00175etal\_Amd-Trans-76901\_BLM-letter\_07-09-12.pdf

James,

RE: Amended Transfer #76901 (74-00175 et al.), Eagle Valley Ranch

The Amended Transfer filed 06-08-12 resolved part of BLM's protest by removing the place of use (POU) that was entirely on BLM (T21N, R23E, S12, SENW), however the amended transfer does not seek to resolve BLM's mixed ownership issue within other POU's (SESE, S11 and SWNW, NWSW, S12, T21N, R23E). Attached is a letter to you (and cc'd to applicant) commenting on the amended transfer.

I'll send a draft Settlement Agreement to the applicant to see if we can agree on inserting the "no fed land" remark.

Fred



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709  
<http://www.id.blm.gov>



In Reply Refer To:  
7250 (933b)

July 09, 2012

RECEIVED  
JUL 09 2012  
Department of Water Resources  
Eastern Region

James Cefalo, Program Manager  
Idaho Department of Water Resources (IDWR)  
Eastern Regional Office  
900 North Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

Dear Mr. Cefalo:

RE: Amended Application for Transfer 76901 (74-00175 et. Al) f/b Eagle Valley Ranch, LLC

The BLM filed a protest to transfer 76901 (Eagle Valley Ranch) on 02/18/2011. On 06/08/2012 Eagle Valley Ranch LLC filed an amended transfer that resolves some of BLM's protest. The amendment also adds another water right (74-07155) which includes Irrigation Storage to the transfer.

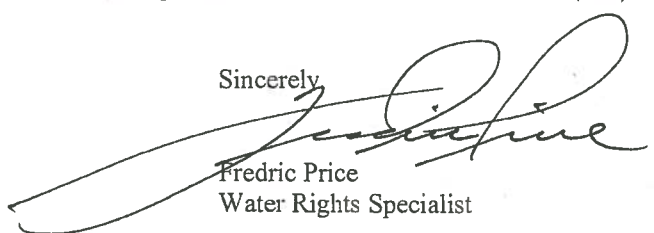
The place of use described entirely on BLM land in the original transfer within T21N, R23E, S12, SENW (BLM Land) has been removed in the amended transfer and therefore satisfies part of BLM's protest. However, the amended transfer does not resolve BLM's mixed ownership issue with regard to the following legal land descriptions.

T21N, R23E, S11, SESE (mixed ownership BLM/Private)  
T21N, R23E, S12, SWNW (mixed ownership BLM/Private)  
T21N, R23E, S12, NWSW (mixed ownership BLM/Private)

The remaining mixed ownership issue could be resolved if Eagle Valley Ranch will agree to clarify the following mixed ownership POUs to make it clear only private land is intended in SESE, S11, and SWNW, NWSW, S12, T21N, R23E by including a condition under the place of use element which reads "Place of use for Irrigation purposes does not include federal public lands." I will prepare a settlement agreement to resolve this issue and send it to the applicant.

If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3831 or at the address provided above.

Sincerely,

  
Fredric Price  
Water Rights Specialist

cc Eagle Valley Ranch LLC; 446 Bohannon Cr Rd; Salmon, ID 83467

## Jordan, Blake

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**From:** Jordan, Blake  
**Sent:** Thursday, April 05, 2012 10:36 AM  
**To:** 'eaglemalley1@centurytel.net'; Case, Morgan  
**Cc:** Cefalo, James  
**Subject:** Eagle Valley Ranch Amended Transfer 76901  
**Attachments:** 76901TransferApplication.RTF

Mike and Morgan,

I have reviewed the amended transfer application and found some items that need attention. As I reviewed the water rights involved in this transfer, I found a water right that needs to be added to this transfer. Water right 74-7155 is an overlapping storage water right that has a combined acre limit with water rights 74-175, 74-176, 74-377, 74-183, 74-771, 74-776, 4-775, 74-774 and 74-773. Adding this water right will not change the 804.9 acres that are authorized to be irrigated and will avoid any possible enlargement.

The B-4A (IDWR) and B-5 (IDWR) points of diversion are described incorrectly on the application. According to the amended map and the POD shape file that was provided the B-5 POD is located in the SWSENE of 21N, 23E, Section 2, and the B-4A POD is located in Lot 3(NWNE) of 21N,23E, Section 2. This discrepancy can be easily fixed by dropping the 10 acre tract from both POD legal descriptions and by adding Gov Lot 3 (NENW) to the B-4A POD.

According to Lemhi County taxlot data the POD in the SWNESE of 22N, 23E, Section 35 is located on BLM property. I did not see any easement agreement from the BLM authorizing this point of diversion. We need some sort of agreement that describes the arrangement authorizing this POD.

The proposed place of use describes irrigation occurring in Section 34 and 35, 21N, 23E. The correct township should be 22N.

The map of the proposed POU in relation to the number of acres identified per QQ for the most part match up. Trying to create an exact POU boundary to the number of acres authorized for irrigation can be quite a challenge. I did find in the SESW of 21N, 23E, Section 11 a sizeable difference between the acres identified and POU boundary. 31.9 acres are identified to be irrigated in the SESW. My calculation of the area under the POU boundary for that QQ is ~ 22.5 acres. The POU boundary for this QQ should be adjusted to closer match the 31.9 acres that are identified.

For your convenience, I have attached an amended application which adds water right 74-7155 to the application and corrects the POD and POU discrepancies. Since I drafted the amended application on a different form, It will need to be signed and returned with a \$50 re-advertising fee. I will need a new map that increases the POU boundary for the SESW of 21N, 23E, Section 11. I also need some sort of agreement or document that explains the arrangement that authorizes the new POD on BLM land located in the SWNESE of 22N, 23E, Section 35.

Let me know if you have any questions.

Blake

## **AMENDED TRANSFER FOR EAGLE VALLEY RANCH**

March 25, 2012

To: James Cefalo, IDWR Eastern Region

Just a note of explanation about the amendment. This amendment slightly changes the "footprint" of the POU to eliminate any question about irrigating the BLM land on the SE partial pivot. The delivery system had to change from the original proposal because the fall in the canyon was so great that the proposed system could not handle the pressure.

The new POD is retained. This POD is actually a consolidation of 2 existing PODs (IDWR B-1 & B-2 or IDFG B-12 & B-13). However, the pipeline from that POD now irrigates only the highest pivot and the flood ground above it. The existing pipeline from B-4A to the full pivot is retained. A new pipeline from B-5 serves both some flood irrigated land and the lower pivot and partial pivot. The pipeline from B-5 now connects to the existing pipeline for the partial pivot.

At the suggestion of Morgan Case, the transfer shows both PODs B-1 and B-2, although they will be consolidated sometime in the future.

The partial pivot is reduced in length. The total acreage in the POU remains about the same. Page 1 of the proposed Transfer is amended. Page 2 is also amended. Page 3 remains the same. A new aerial photo showing the PODs and delivery system is provided.