

Agenda

Prehearing Conference – Ark Properties

Application for Transfer #75265

Date: August 12, 2010

Location : IDWR Western Reg.

-Introductions-- IDWR

-Purpose of Conference/ Handouts—IDWR (No Interruption)

-Issues/Concerns—(No Interruption)
Protestant:

-Project Clarifications/ Response----(No Interruption)
Applicant

-Comments/Questions—IDWR

-Discussion

-Settlement options

Specific Dates and Deadlines

Pre Hearing Conference Purpose

- Formulate/simplify the issues*
- Discuss settlements, make settlement offers*
- Address matters that may expedite conduct of the proceeding or settlement*
- Schedule hearings, discovery.*

Evaluation Criteria --Applications for Transfer

Pursuant to Idaho Code §42-222

1. Authority to file a transfer application?
2. Evaluation of Water Right Validity—Is this a valid right?
3. Injury to other water rights?
4. Enlargement of use
5. Local Public Interest-- *that is, the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource.*
6. Will the proposed transfer be contrary to conservation of water resources within the State of Idaho?
7. Effect on economy and Ag. economy of local area

Web References www.idwr.idaho.gov, select forms-rules-statutes

- Idaho Code 42-203A *Protests—Hearings Appeals*
- Rules of Procedure; IDAPA 37.01.01
- Water Appropriation Rules; IDAPA 37.03.08

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-328

WATER RIGHT NUMBER: 61-328

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ARK PROPERTIES LLC C/O JOHN MC CALLUM 11204 N BAR 21 DR GLENN'S FERRY, ID 83623-5033 (208)336-7931
Original Owner	ADIN M HALL , ID
Original Owner	STEPHENS & SONS JAKE STEPHENS 22710 S LANSING MIDDLETON, ID 83644 (208)366-2364

Priority Date: 05/01/1877

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD SPRINGS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	02/15 to 11/15	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

COLD SPRINGS CREEK	NW1/4SE1/4	Sec. 32, Twp 04S, Rge 09E, B.M.
ELMORE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	09E	32												11.0				39.0	77.0
04S	09E	33											2.0						2.0
05S	09E	4							.5										.5
05S	09E	5	37.0	18.0	1.0		19.0		2.0	27.0									104.0
			L 1	L 2			L 3												

Total Acres: 183.5

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 61-328

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 61-10578 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 183.5 ACRES IN A SINGLE IRRIGATION SEASON.
4. F02 2 POINTS OF DIVERSION LOCATED IN T04S, R09E, S32, NWSE.

Remarks:

Comments:

1. rhowerto 1/24/2001 SF5
Comment: SETTLEMENT MADE

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-10578

WATER RIGHT NUMBER: 61-10578

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ADIN M HALL
	, ID
Current Owner	ARK PROPERTIES LLC C/O JOHN MC CALLUM 11204 N BAR 21 DR GLENNS FERRY, ID 83623-5033 (208)336-7931
Original Owner	STEPHENS & SONS JAKE STEPHENS 22710 S LANSING MIDDLETON, ID 83644 (208)366-2364

Priority Date: 05/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD SPRINGS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	02/15 to 11/15	2.270 CFS	
	<u>Total Diversion:</u>	2.270 CFS	

Location of Point(s) of Diversion

COLD SPRINGS CREEK	NW1/4SE1/4	Sec. 32, Twp 04S, Rge 09E, B.M.
ELMORE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	09E	32												11.0			39.0	27.0	77.0
04S	09E	33											2.0						2.0
05S	09E	4						.5											.5
05S	09E	5	37.0	18.0	1.0		19.0		2.0	27.0									104.0
			L 1	L 2			L 3												

Total Acres: 183.5

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 61-10578

Conditions of Approval:

1. C18 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.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. F02 2 POINTS OF DIVERSION LOCATED IN T04S, R09E, S32, NWSE.
4. E55 USE OF THIS RIGHT WITH RIGHT NO. 61-328 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 183.5 ACRES IN A SINGLE IRRIGATION SEASON.

Remarks:

Comments:

1. rhowerto 1/24/2001 SF5
Comment: SETTLEMENT MADE

2. rhowerto 1/24/2001 COMBINED RIGHTS
Comment: 61-310, 61-314 & 61-329

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-11807

WATER RIGHT NUMBER: 61-11807

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ADIN M HALL
	, ID
Original Owner	STEPHENS & SONS JAKE STEPHENS 22710 S LANSING MIDDLETON, ID 83644 (208)366-2364
Current Owner	ARK PROPERTIES LLC C/O JOHN MC CALLUM 11204 N BAR 21 DR GLENN'S FERRY, ID 83623-5033 (208)336-7931

Priority Date: 04/30/1952

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HENLEY SPRINGS	COLD SPRINGS CREEK
UNNAMED STREAM	COLD SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	02/15 to 11/15	0.340 CFS	
	<u>Total Diversion:</u>	0.340 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4NW1/4SE1/4	Sec. 5,	Twp 05S,	Rge 09E, B.M.
ELMORE County				
HENLEY SPRINGS	NE1/4NW1/4SE1/4	Sec. 5,	Twp 05S,	Rge 09E, B.M.
ELMORE County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	09E	5																	17.0
																			17.0

Total Acres: 17

Conditions of Approval:

1. 2 POINTS OF DIVERSION LOCATED IN T05S, R09E, S05, NENWSE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-11807

2. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61
SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61:
FROM WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS
THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY
FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO.
SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED
SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

Remarks:

Comments:

1. AJU10-JS 11/22/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
2. RHOWERTO 1/14/1999 OWNERSHIP
Comment: OWNERSHIP CHANGED BY RDH ON 1/14/99.

SubCase:

SubCase Number: 61-11807
Class: 1
SF5 Filed Date: 5/1/2002
Special Master Recom Signed Date: 6/19/2002
Attorney Assigned: SUSAN E HAMLIN-NYGARD
Adjudication Agent:
Basis of Claim: Beneficial Use
Date Filed: 6/10/1999 Objection Status: Active

Water Supply Bank:

