

MEMORANDUM

TO: T76469/47-29 Simplot Trust

FROM: Sandy Hemenway

DATE: July 29, 2010

RE: Evaluation of Sufficiency of Information Submitted

The Transfer Proposes:

Move 8 acres and a POD originally shown on BLM property that was objected in the SRBA, to property owned by the applicant; Update PLS and Source to accurately describe each.

The POD Sites are:

SWNWSW Sec 23, T14S R13E, source Cedar Creek
SWSWNE Sec 27, T14S R13E, source Springs (2 PODs)
SESENW Sec 27, T14S R13E, source Cedar Creek

The POU Sites are:

SWNE Sec 27, T14S R13E, 10 acres
SESE Sec 22, T14S R13E, 14 acres
NWSW Sec 23, T14S R13E, 8 acres (location where 8 acres was transferred to)

Contact person for the applicant is:

Vic Conrad, Vic.conrad@simplot.com
Ronald N. Graves, Trustee, J. R. Simplot PO Box 17, Boise, ID 83707, (208)336-2110

REVIEW COMMENTS:

Amend POD, PLS and Sources

On 6/16/2010, an email was sent to Vic Conrad at Simplot, to verify the QQ and sources for the PODs, since they did not match the location indicated on the map submitted with the application for transfer for the new POD. The original map submitted for the Permit indicated all of the original PODs. When these were compared with Arc Map, it showed 2 of the unchanged PODs to be located within the Mauldin Springs in Section 27 SWSWNE (same location as in the Adjudication Recommendation), and Sec27 SESENW source to be Cedar Creek instead of springs. On 6/17/2010, Vic Conrad confirmed via an email the following: (1) New POD, SWNWSW Sec 23, Cedar Creek, (2) Old POD, SWSWNE Sec 27, Springs, (3) Old POD, SWSWNE Sec 27, Springs, (4) Old POD, SESENW Sec 27, Cedar Creek source. Changed were made to show the information above in the transfer. The

email will act as an amendment to the application for transfer.

SUMMARY OF INFORMATION SUBMITTED:

Authority to File:

Owner/Applicant. A Warranty Deed was submitted for the new POU, who was already the right holder.

7/22/2010 Approval letter from BLM.

Water Right Validity:

Right presumed to be valid based on the pending SRBA recommendation. The Status Conference is scheduled for 9/14/2010 at 10:30am, for the Objection filed by BLM. 7/2010 Emails from Scott (Sherman) Beizer and Fred Price approving shapefiles, and PLS legal descriptions proposed for transfer, and 7/22/2010 approval letter from BLM.

Injury to Other Water Rights:

Water Rights 47-15671 and 47-15836 are both with BLM, and both are for instream stockwater. When contacting BLM representatives Fred Price and Scott (Sherman) Beizer, neither of them were concerned with injury to these water rights (see 7/22/2010 BLM approval letter from BLM, and 7/2010 emails).

Enlargement of Use:

None. No changes in rate/volume, or acreage.

Local Public Interest/Advertised:

None. The shapefiles were sent to BLM representatives Fred Price, and Scott (Sherman) Beazer. Since BLM representatives approved of the POD and POU PLS legal descriptions and shapes, and the property involved in the transfer is surrounded by BLM property, this transfer was not advertised.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use(s) consistent with conservation of water resources Idaho.

Review of the application finds there is no clear inconsistency with criteria of I.C 42-222 preventing processing of the application.

ADDITIONAL INFORMATION:

Additional information applicant should provide:

None

Additional IDWR analysis needed:

None

Watermaster Comments:

7/29/2010 Contacted Raymond Ruffing (208) 543-4680, water master for WD47C (H20man@filertel.com). Raymond stated that there were no problems with the transfer, in fact the transfer was the best thing that could happen, since it kept the cattle out of the canyon. Raymond stated that he would send an email with concerns/comments for the file.

Mitigation:

N/A

Adjudication Contact:

7/22/2010 Steve Clelland, Renea Ridgeway, and Nick Spencer were notified of the status for this transfer (date IDWR received BLM approval letter). Adjudication Dept. and Legal will be contacted again, upon approval of the transfer.

POD Overlaps

No POD overlaps.

POU Overlaps

T14S R13E Sec27 SWNE No Overlaps.

T14S R13E Sec22 SESE Overlaps with 47-31A for Stockwater only.

T14S R13E Sec23 NWSW Comments in the file for 47-37A state that "the POU consists of land covered by the Cedar Creek Reservoir. That the right may be abandoned."

Conditions

C18 was changed to T19; X02 for 2000 cattle was left in the conditions; T07 and T08 were added; and 01M was added since irrigation is for more than 5 acres. BLM T76469 Approval Letter Received on 7/22/2010, and the condition "Place of Use does not include Federal Public Lands," was added to the transfer approval document. After speaking with Steve Clelland/Adjudication Dept., he stated there was no need to include a verbal condition on the transfer approval, since it was identical to the PLS description for S23: "Point of Diversion resides within S1/2SWNWSW, S23, T14S, R13E."

Measuring Device and lockable controlling works

Application for Transfer states: The diversion will consist of a screened suction intake, pump and motor. An in-line flow meter will be installed on the pipeline that transports water from the diversion to the 8 acre place of use.

Fees

0.16 cfs being transferred with T76469. On 5/3/2010 receipt #5031416 for \$100 was paid (\$100 filing fee for 0.00 - 0.20 cfs).

Objection

On 9/19/2007 an objection was filed by BLM for 8 acres POU, located on the property owned by BLM. On 11/28/2009 an Initial hearing was held. The next Status Conference is scheduled for 9/14/2010 at 10:30am. On 7/22/2010, the POD/POU shapefiles constructed in Transfer 76469 were approved by BLM, and once approved by the department, the shapefiles will be migrated to update the adjudication recommendation shapefile, and PLS. Steve Clelland, Renea Ridgeway, and Nick Spencer (legal) have been kept in the loop on the status of this transfer. The Adjudication Dept. and Legal will be notified again, upon approval of the transfer.

SUMMARY:

The property where the original 8 acres was located was on BLM property. The property where the 8 acres and new POD are being transferred to is owned by the applicant (verified by the warranty deed, and tax lot information on Arc Map). The new POD will consist of a screened suction intake, pump and motor. An in-line flow meter will be installed on the pipeline that transports water from the diversion to the 8 acre place of use. The other 3 PODs will remain irrigating from their same original systems (ditch, gravity flow).