

MEMORANDUM

TO: Transfer No. 74880 File & Transfer No. 75363 File

FROM: Angie Grimm

DATE: February 12, 2010

RE: Evaluation of Sufficiency of Information Submitted

Transfer No. 74880 proposes to split right 65-3045X and 65-11217 and change the place of use for irrigation of a different portion of the applicants', Mike and/or Mary Young (Young), property. Transfer No. 75363 proposes to split the same two rights, add a point of diversion, and create a permissible place of use for irrigation of the applicant's, M. Blaine and/or Jane A. Dahlstrom (Dahlstrom), property. The remaining pieces of each right will remain appurtenant to the current place of use owned by Blake and Sheri Probst (Probst).

The site is along the Sweet-Ola Hwy approximately 2 miles north of the intersection of the hwy and Brownlee-Liberty Rd on the west banks of Squaw Creek in the Sweet Valley approximately 3 miles north of Sweet.

Contact person for both transfer applicants is Lori Graves, SPF Water Engineering LLC.

Summary of Information Submitted

Authority to File: Young submitted a warranty deed demonstrating Young and Probst jointly own the current P/U for the two rights proposed for transfer. Additionally, Young submitted a Quitclaim Deed changing ownership for Young's portion of the current P/U and proposed P/U from Young and Probst to Young only. The current name connector recorded for the rights proposed for transfer is "and/or", therefore only one owner signature is required per Department policy. The name connector for the Young portion of the rights will be updated to "and" per ownership documentation on file should the transfer be approved. Dahlstrom submitted a warranty deed documenting ownership of the current P/U, proposed PP/U, and proposed P/D. The applicants have authority to change their rights.

Water Right Validity: Rights are presumed to be valid, because the partial decrees were issued for right 65-3045X and 65-11217 on 2/6/2003 and 1/14/2003 respectively. An application for extension to avoid forfeiture was approved 3/9/2005 through 6/10/2010.

Injury to Other Water Rights: Injury should not occur. There is no enlargement of use proposed and the diversions will be regulated by watermaster of Water District 65A.

Enlargement of Use: There will not be an increase in diversion rate, diversion or consumptive volume, or number of acres irrigated as a result of these transfers. The Young portions of the rights proposed for transfer are currently within the Squaw Creek Ditch Co.'s (Ditch Co.) service area. The Young xR proposes to change the P/U, because the current P/U is adjacent to the river and there is no need to irrigate the land to grow desired crop. Young intends to leave current P/U

un-irrigated and irrigate the proposed P/U. The Young transfer proposes a P/U currently outside the Ditch Co.'s service area. The Ditch Co. filed Transfer No. 76301 to change the service area to reflect Young's wishes to irrigate different acres as proposed. Should both Young's and the Ditch Co.'s transfers be approved, these rights would remain staked and no enlargement would presumably occur. The Dahlstrom portion of the rights is outside the Ditch Co.'s service area. The Squaw Creek rights proposed for transfer along with Ditch Co. shares provide the sole source of irrigation for the property involved in these transfers. Primary versus supplemental historic use will not change as a result of these transfers. The new P/D proposed by Dahlstrom is approximately 1000 feet downstream of the P/D currently serving the applicant's portion of 65-23278. Although the proposed P/D is downstream from the existing P/Ds, enhancement of water supply for the rights proposed for transfer is not likely to be an issue due to the proximity of the proposed P/D to the existing P/D, existing limitations on the rights imposed by previous approved Transfer No. 2362, and regulation by the watermaster of Water District 65A. See Additional Information/Analysis Section of this memo for additional information regarding Transfer No. 2362 conditions.

Local Public Interest: Authorizing Young to change the P/U from land not requiring irrigation to provide a beneficial use to land that does require irrigation for a beneficial use allows for maximum extent of beneficial use of the existing rights, which serves the local public interest. Authorizing Dahlstrom to irrigate their portion of the existing P/U with a new P/D on their property serves the local public interest.

Beneficial Use/Conservation of Water Resources: The applications propose beneficial use(s) consistent with conservation of water resources in 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/Analysis

Initial watermaster comments received via a letter from Eric Herr, Squaw Creek watermaster, dated 11/10/2009. The letter states the measuring device requirements of Transfer No. 2362 approval will be addressed, upon installation of an acceptable measuring device on Big Cottonwood Creek, which Mike Young agreed to install. Should the flow at Big Cottonwood Creek be insufficient to fulfill the diversion requirements of 65-3045X child rights, Mike Young agreed to install measuring devices on the other listed tributaries of Transfer No. 2362 measuring device condition. An additional comment letter will be sent to the Watermaster of Water District 65A during advertising of both Transfer No. 74880 (Young) and Transfer No. 75363 (Dahlstrom).

Discussion

Transfer data entry affected the child water right records of 65-3045X and 65-11217 for each transfer. Right records of 65-3045X and 65-11217 were split prior to transfer data entry. Right 65-3045X was split into child rights 65-23366 (Probst), 65-23367 (Young), and 65-23368 (Dahlstrom). Right 65-11217 was split into child rights 65-23363 (Probst), 65-23364 (Young), and 65-23365 (Dahlstrom). Transfer No. 74880 affected child right records 65-23364 and 65-23367. Transfer No. 75363 affected child right records 65-23365 and 65-23368. Partial decrees

were issued for 65-3045X and 65-11217 2/6/2003 and 1/14/2003 respectively and the results were migrated to water right records prior to splitting the rights.

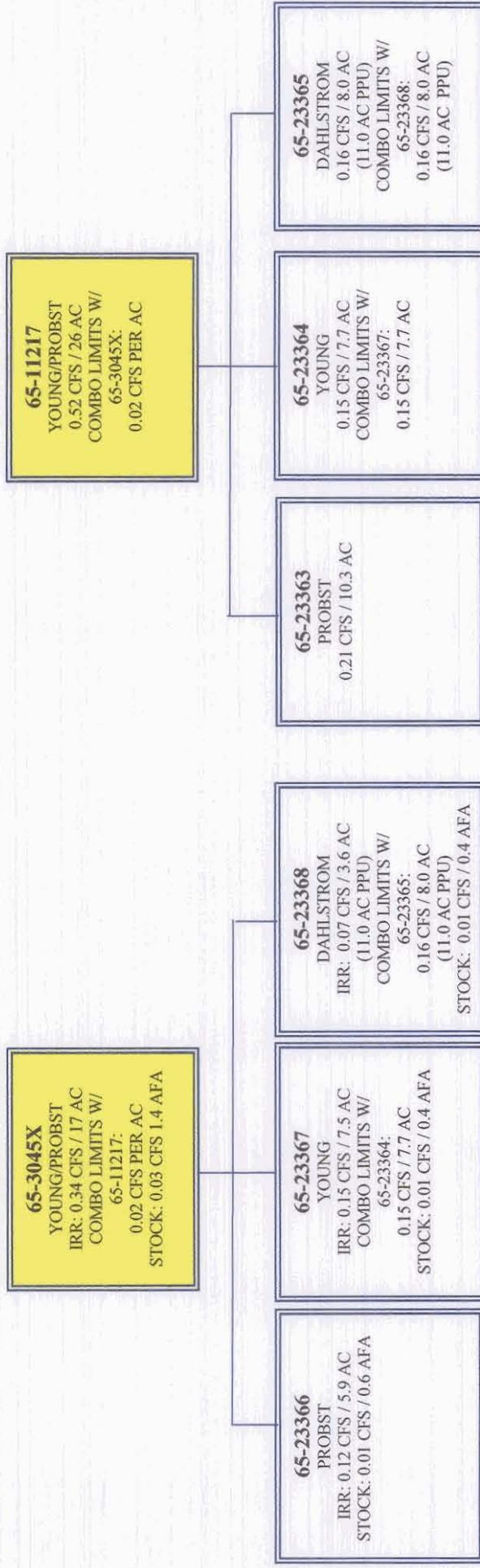
Rights 65-3045X and 65-11217 currently have a common PD and PU. The rights are limited to 0.02 cfs per acre when combined. The GIS shape file created for the PU is identical for both rights indicating they irrigate common acres in combination. These rights do not have conditions limiting the number of acres of each right or the number of acres to be irrigated in combination. Transfer processing allows for addition of these conditions to the child rights of Young (65-23364 and 63-23367) and Dahlstrom (63-23365 and 63-23368). The child rights of Young and Probst will continue to share a common PD while the Dahlstrom child rights will have a new PD on the Dahlstrom property. Attached is a calculations memo and split tree illustrating Young's, Dahlstrom's, and Probst portions of each right and combined use limits. There are no other overlapping rights for the existing or proposed PDs.

The current PU for Young's portion the rights partially overlaps a piece of the Squaw Creek Ditch Company's boundary. This overlap was discussed above in the Enlargement Section. Right 65-23365 PU is represented by an entire QQ in the GIS database, however this right authorizes irrigation of only 4 acres in the NE SW. This right (65-23365) resulted from a split of right 65-3045A. The GIS shapefile for the parent right indicates the PU is in the SW NE SW, not within the N½ NE SW where the PU proposed for change in these transfer applications. The applicants' representative confirmed right 65-23167 is not used for irrigation of the PU of the rights subject to transfer. There are no other overlapping rights for the existing or proposed PUs. No other water rights need to be involved in the processing of these transfers.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the applications can be approved as reflected by the draft approvals.

65-3045X & 65-11217 YOUNG/PROBST SPLIT TREE



RIGHTS HAVE BEEN SPLIT
AND ARE NO LONGER ACTIVE

MEMORANDUM

TO: Transfer 74880 & 75363 files

FROM: Angela Grimm

DATE: December 8, 2009

RE: Calculations of 65-3045X and 65-11217 Water Rights Splits

The parent rights 65-3045X and 65-11217 are as follows:

65-3045X (Irrigation): 0.32 cfs / 17 ac

65-3045X (Stockwater): 0.03 cfs / 1.4 afa

65-11217 (Irrigation): 0.52 cfs / 26 ac

65-3045X + 65-11217 Conditioned: 0.02 cfs/ac irrigation w/ exact same shape i.e. 65-11217 includes 17 ac irrigation authorized under 65-3045X.

Diversion rate per acre calculation for rights (Irrigation):

65-3045X: 0.32 cfs / 17 ac = 0.02 cfs/ac

65-11217: 0.54 cfs / 26 ac = 0.02 cfs/ac

Combo: 0.02 cfs/ac

Irrigation per QQ:

NENW: 65-3045X = 7 ac & 65-11217 = 7 ac Combo => 7 ac

SEnw: 65-3045X = 5 ac & 65-11217 = 8 ac Combo => 8 ac

NESW: 65-3045X = 5 ac & 65-11217 = 11 ac Combo => 11 ac

ArcMap/GIS Shape 29.6 acres for maximum of 26 ac (65-11217) irrigation. Acres of shape per QQ:

NENW: 6.6 ac ~7 ac (7 ac Young)

SEnw: 12.2 ac (1.1 ac Young 11.1 Probst)

NESW: 10.8 ac ~ 11 ac (7.8 ac Dahlstrom 10.8 Probst)

Young (xR 74880) portion of rights per QQ:

NENW: 65-3045X = 7 ac / 0.14 cfs

65-11217 = 7 ac / 0.14 cfs

SEnw: 65-3045X => (1.1 ac/12.2 ac) * 5 ac = 0.5 ac / 0.01 cfs

65-11217 => (1.1 ac/12.2 ac) * 8 ac = 0.7 ac / 0.01 cfs

Total: 65-3045X = 7.5 ac / 0.15 cfs & 65-11217 = 7.7 ac / 0.15 cfs

Dahlstrom (xR 75363) portion of rights per QQ:

NESW: 65-3045X => (7.8 ac/10.8 ac) * 5 ac = 3.6 ac / 0.07 cfs

65-11217 => (7.8 ac/10.8 ac) * 11 ac = ~ 8.0 ac / 0.16 cfs

Probst (remainder) portion of rights per QQ:

SEnw: 65-3045X => $(11.1 \text{ ac}/12.2 \text{ ac}) * 5 \text{ ac} = 4.5 \text{ ac} / 0.09 \text{ cfs}$

65-11217 => $(11.1 \text{ ac}/12.2 \text{ ac}) * 8 \text{ ac} = 7.3 \text{ ac} / 0.15 \text{ cfs}$

NESW: 65-3045X => $(3.0 \text{ ac}/10.8 \text{ ac}) * 5 \text{ ac} = 1.4 \text{ ac} / 0.03 \text{ cfs}$

65-11217 => $(3.0 \text{ ac}/10.8 \text{ ac}) * 11 \text{ ac} = 3.0 \text{ ac} / 0.06 \text{ cfs}$

Total: 65-3045X = 5.9 ac / 0.12 cfs & 65-11217 = 10.3 ac / 0.21 cfs

Split trees outlining the splits of the three parent rights are attached. Note combined rate and irrigation limitations have been placed on the child rights subject to transfer per transfer review memo for 74880 & 75363.