MEMORANDUM

TO: Files 63-32316, 63-32317, 63-32318, 63-32319, 63-10713 and 63-10872

FROM: Kay Walker Kay

RE: Ownership Changes

Date: March 18, 2010

After much review and head scratching over the ownership changes received during November and December of 2005 I believe I have figured out what happened and why these water rights are in the state of confusion they are in.

Western Region received the ownership changes on November 14th, 2005 and since only Rt. 63-8825 was involved in the SRBA copies were made and forwarded to the State Office to complete the changes on Rts. 63-10713 and 63-10872. Right 63-8825 was split based on deeds received and the map submitted by SPF representative.

While preparing the ownership changes for his clients, the SPF representative, apparently reviewed approved Transfer 4137, and decided that this transfer created a permissible place of use (ppu) for each of the rights included in the transfer. I must agree with his decision because it appears that the transfer did create a ppu on the face of the approval. I had questioned the State Office regarding this and was advised that this was not the case. However, the transfer approval does not split the place of use into the 3 individual pieces of irrigated lands as were shown on the water right records. The ownership changes came into the office with percentages assigned to each of the rights being split. I believe these percentages were determined by the number of acres under each right being divided by the 434 acres under the indicated ppu. For instance, correspondence received on 11/14/2005 indicates the following:

EL and Shirley Bews = 49% of the rights (214 ac/434 ac)
Primeland Development Co. = 31% of the rights (133 ac/434 ac)
Bews obtaining documents to show additional 35 acres being purchased then they would own 57% of the rights. = 8% (35 ac/434 ac)

This methodology worked out fine with Rt. 63-8825 since all the 434 acres were listed as being within the place of use of that right in our computer records and on the recommendation to the SRBA Court. The recommendation for 63-8825 was split into Rts. 63-32316, 63-32317, 63-32318 and 63-32319 and the latter 3 rights were decreed in the SRBA Court.

However, after the transfer, Rt. 63-10713 only showed the licensed place of use in our data base which was 185 acres and we had no deeds for Bews that would allow us to split a portion of that right to them. It was determined that Primeland could show

ownership of 133 acres and the remaining 52 were still in the name of James. Also, Rt. 63-10872 was for 35 acres which was all found to be under Bews ownership leaving nothing for Primeland.

In light of all of the above information, I recommend we split Rts. 63-10713 and 63-10872 as if they were included under the 434 acre ppu as indicated on approved Transfer 4137.

After all the splits for Bews and Primeland are completed, we will have 52 acres remaining in James name located in the S1/2SE1/4, Sec. 26, Twp. 4N, Rge. 1W. We have received another ownership change form that intends to transfer the name of this remainder to Settlers Irrigation District. However, all that was attached to the ownership change form was a water deed that does not provide documentation of the ownership of the land that the water was appurtenant to so more information is being requested before we can proceed.

3/25/10: Per visit w/Steve - no other way to complete unless T. 4137 is split as ppu - KW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4137
WATER RIGHT NO(S). 63-08825/63-10713/63-10872

This is to certify that: **LARRY JAMES**
JAMES FAMILY LTD PARTNERSHIP
4785 N TEN MILE RD
MERIDIAN ID 83642

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME	Acres
Right No. 63-08825 :				
IRRIGATION	03/15 to 11/15	2.78 CFS	963.0 AF	214
Priority: 05/06/1977				
Right No. 63-10713 :				
IRRIGATION	03/15 to 11/15	3.70 CFS	832.5 AF	185
Priority: 10/04/1988				
Right No. 63-10872 :				
IRRIGATION	03/15 to 11/15	0.31 CFS	151.3 AF	35
Priority: 08/01/1989				
				434

per conditions

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 26, Township 04N, Range 01W
NESE , Sec. 27, Township 04N, Range 01W
NENE , Sec. 34, Township 04N, Range 01W
NWNW , Sec. 35, Township 04N, Range 01W
NENE , Sec. 36, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	01W	26	NWSW	20	SWSW	37	SWSE	37	
			SESE	15					109
		27	NESE	38	NWSE	36	SWSE	37	
			SESE	36					147
		28	SESE	35					35
		34	NENE	29	NWNE	38			67
		35	NWNW	37	SWNW	39			76
					Total number of acres irrigated:				434

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TRANSFER NO. 4137
WATER RIGHT NO(S). 63-08825/63-10713/63-10872

CONDITIONS/REMARKS:

1. Conditions per Memorandum Decision and Order dated 06-17-93.
2. Right No. 63-08825 is limited to the irrigation of 214 acres in the place of use described above in a single irrigation season.
3. Right No. 63-10713 is limited to the irrigation of 185 acres in the place of use described above in a single irrigation season.
4. Right No. 63-10872 is limited to the irrigation of 35 acres in the place of use described above in a single irrigation season.

Dated this 17th day of June, 1993.

L. Glen Saxton

Chief, Water Alloc. Bureau

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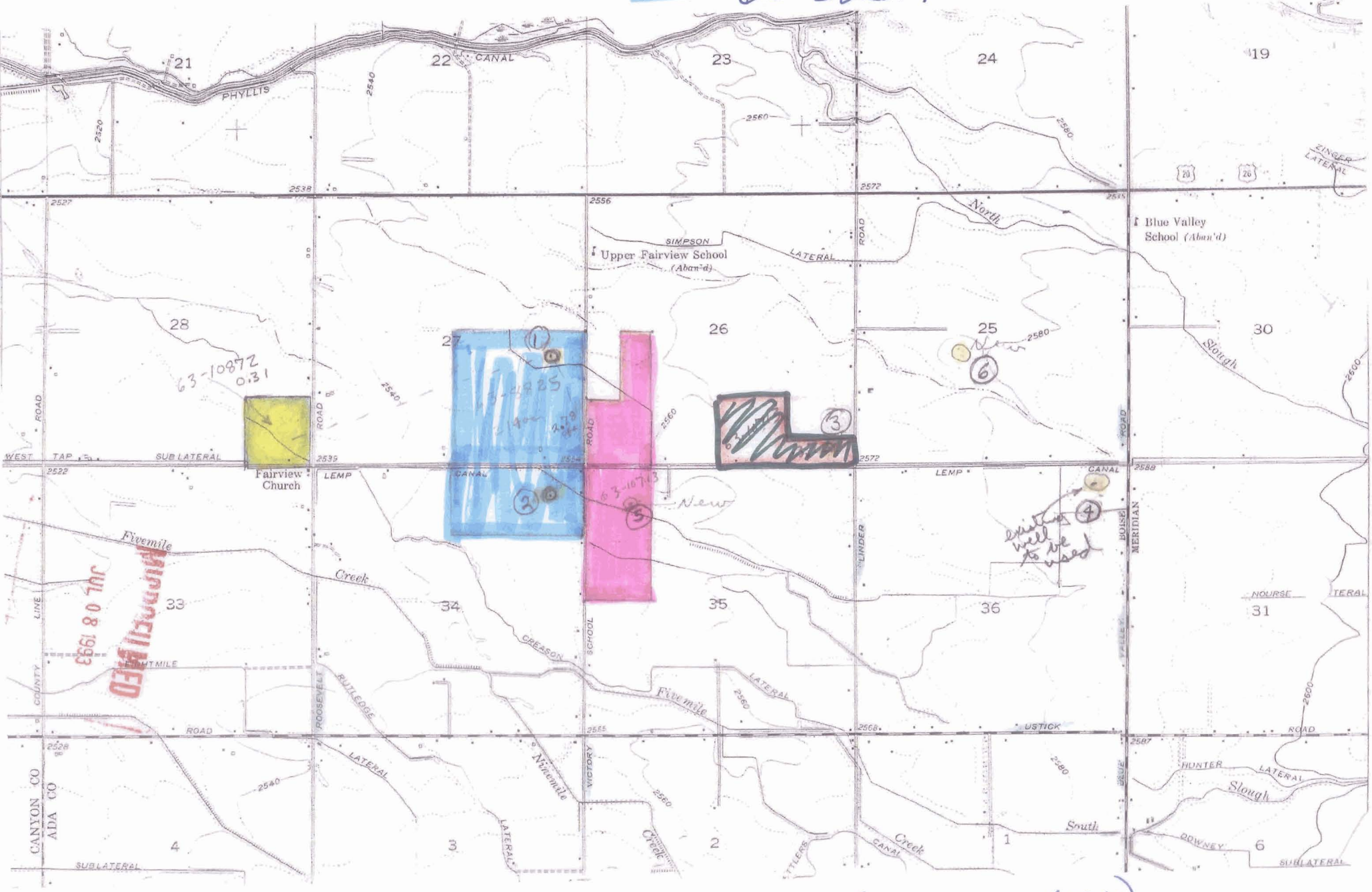
= 63-32318

63-32319

63-32317

= 63-32314



(same ~~lands~~ as on transfer 4137)
P/U - matches Scott's map 11/14/2005