



SPF WATER
ENGINEERING

February 5, 2010

RECEIVED

FEB 08 2010

WATER RESOURCES
WESTERN REGION

Angela Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Applications for Transfer Nos. 74880 and 75363

Dear Angie,

The following is in response to your letter dated December 14, 2009 that requested clarification of certain items in addition to those requested in your previous letter.

1. As requested, included are signature pages signed by Mary Young and Jane Dahlstrom.
2. Please include stockwater use as part of the proposed irrigation places of use for both transfers.
3. Your acre calculations for transfer 74880 appear accurate.
4. Irrigation water from Dyes Gulch Creek is not appurtenant to the place of use proposed on either transfer.
5. To prevent enlargement and enable the Department to process Transfer 74880, an Application for Transfer from Squaw Creek Ditch Co. is enclosed with check No. 603 for the \$100 processing fee.

Please let me know if you have any further questions. Thanks Angie.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Mike Young, Blaine Dahlstrom, Squaw Creek Ditch Co.

Enclosures

SPF File Nos.: 694.0010, 766.0010

RECEIVED

FEB 08 2010

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant M. Blaine and/or Jane A. Dahlstrom Phone 208-584-3610Mailing address 11300 Sweet Ola Hwy, Sweet, ID 83670 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Jane A. Dahlstrom
Signature of Applicant or Authorized Representative Print Name and Title if applicable

- ☐ If signed by authorized representative, attach Power of Attorney or documentation proving authority to sign on the applicant's behalf. Also attach documentation providing authority for others—consultants, attorneys or representatives—to act on the applicant's behalf. Label documents Attachment #4.

Representative's name and mailing address Lori Graves, SPF Water EngineeringPhone 208-383-4140 Email lgraves@spf.com

Subscribed and sworn to before me this _____ day of _____, 2009

(Notary Public)

My commission expires _____

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred, (i.e. number of stock, etc.) and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Split water rights to reflect separate ownership and allow irrigation within a permissible place of use from a separate point of
diversion for applicants' portion.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 14, 2009

COPY

Michael and/or Mary Young
M. Blaine and/or Jane A. Dahlstrom
c/o SPF Water Engineering, LLC
Attn: Lori Graves
300 E Mallard Dr, Ste 350
Boise, ID 83706

Re: Applications for Transfer No. 74880 (Young) and No. 75363 (Dahlstrom)

Dear Lori:

This office received the applications for transfer to change a water right referenced above. Additional information in response to my initial letter regarding these applications has been received from Squaw Creek Ditch Co. (Ditch Co.) and yourself on behalf of both applicants. Upon review of this information and the applications, there are areas of the applications that require additional clarification and/or completion.

Please submit an amended application(s) with additional documentation to address the following:

- Transfer No. 74880 (Young) and 75363 (Dahlstrom) require the signature of both Michael and Mary Young for Transfer No. 74880 and M. Blaine and Jane A. Dahlstrom for Transfer No. 75363. Signatures of all parties is required due to the fact that the deeds submitted as proof of ownership for the property involved use the name connector "and" as opposed to "or" or "and/or". Department policy is to record ownership of the rights according to the ownership documentation(s) submitted. Please submit amended signature pages for both transfer applications accordingly.
- Transfer No. 74880 (Young) and 75363 (Dahlstrom) list no place of use (PU) for stockwater use under right 65-3045X. Historically, the stockwater use for this right has been recognized as the irrigation PU per the right's conditions. As such, without submittal of amended applications to the contrary, the stockwater PU for the applicants' portions of this right will be recorded as the irrigation PU should

the transfer(s) be approved. Please submit an amended application(s) if this is not the applicants' intention.

Additionally, review of the amended Transfer No. 74880 application, Transfer No. 75363, and research of the rights involved revealed the following:

- Amended Transfer No. 74880 (Young) application proposes to split rights 65-3045X and 65-11217 changing the ownership of a portion of the rights to the names of Michael and Mary Young, and the remainder of the rights will be in the name of Blake and/or Sheri Probst. The application suggests one acre of the rights currently in the SE NW Sec 22, T8N, R1E (SE NW) should be placed in the name of Michael and Mary Young, with 7 acres of irrigation in the NE NW Sec 22, T8N, R1E (NE NW) for a total of 8 acres irrigation. However, based on a percentage of the current PU owned by the two parties, it appears only 0.5 acres of irrigation of 65-3045X and 0.7 acres of 65-11217 in the SE NW are appurtenant to property owned by Young. Therefore, 7.7 acres of total irrigation use will be authorized in the NE NW should the transfer be approved. Additionally, it appears only 0.4 af of stockwater of 63-3045X is owned by Young. The Department can approve a lesser quantity than applied for; therefore the applicant is not required to amend Transfer No. 74880 to address this issue. I have enclosed a memo illustrating my calculation methods for your reference. Please feel free to bring any errors to my attention should you feel my calculations are incorrect.
- Right 65-23167, currently in the name of the Youngs and/or Probsts, is an irrigation right from Dyes Gulch Creek for 4 acres within the NE SW Sec 22, T8N, R1E (NE SW). The current GIS PU shape on file for this right is the entire 40 acre tract. The previous GIS PU shape file (prior to a split of the parent right via processing of an ownership change) indicates irrigation under this right occurred in the SW of the NE SW outside of the current PU of the rights proposed for transfer. Please provide additional information to the Department to verify this right is not used within the current PU of the rights proposed for transfer. If this right is used within the same PU, please submit an amended application for Transfer No. 75363, to address this overlap issue.
- Transfer No. 74880 (Young) proposes to create a PU for the portion of rights 65-3045X and 65-11217 appurtenant to the Young property. Ditch Co. irrigation right(s) overlap the current PU for the rights proposed for transfer, however the proposed PU is not entirely within the Ditch Co. service area. In a recent office visit with Steve Lester of IDWR, Michael Young indicated the Ditch Co. shares have never been used on the current PU of the rights proposed for transfer. If this is the case, the overlap of these rights may only be a "paper overlap" meaning there has never been an overlap of beneficial use of these rights. In light of this

new information, along with the information submitted by the Ditch Co., I offer the following two options to address this issue:

1. The Ditch Co. can change the PU for the applicable rights as suggested in their letter of November 24, 2009. This change would require filing a transfer application; it can not be done with a notification of a change in the GIS shape file for these rights as was provided by the Ditch Co.

OR

2. The Ditch Co. and Michael Young may submit written documentation stating the Ditch Co. shares have never been diverted from the Ditch Co. canal east of Squaw Creek across Squaw Creek to the PU or diverted directly from Squaw Creek via Young's PD for rights 65-3045X and 65-11217. The information submitted from the Ditch Co. should also include the Ditch Co.'s intentions for the current PU for their rights, i.e. whether they wish to leave the PU as is or whether they wish to change the PU per the November 24, 2009 letter. Should the Ditch Co. still wish to change the PU, a transfer application shall be submitted.

Please submit amended applications for Transfer No. 74880 and Transfer No. 75363 and additional information, as applicable, to address the issues outlined above. Your response, or a request for more time to make your response, must be received within 30 days from the date of this mailing. Without a timely reply, IDWR will issue a preliminary order to reject the applications. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Angela M. Grimm
Sr. Water Resource Agent

Enclosure(s): Calculations of 65-3045X and 65-11217 Water Rights Splits memo

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



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 14, 2009

Michael and/or Mary Young
M. Blaine and/or Jane A. Dahlstrom
c/o SPF Water Engineering, LLC
Attn: Lori Graves
300 E Mallard Dr, Ste 350
Boise, ID 83706

COPY

Re: Applications for Transfer No. 74880 (Young) and No. 75363 (Dahlstrom)

Dear Lori:

This office received the applications for transfer to change a water right referenced above. Upon review of the applications, there are areas of the applications that require clarification and/or completion.

Please submit an amended application(s) with additional documentation to address the following:

- Application no. 74880 (Young) proposes to create a permissible place of use for the portion of rights 65-3045X and 65-11217 appurtenant to the Young property. Squaw Creek Ditch Co. irrigation right(s) overlaps the current place of use for the rights proposed for transfer, however the proposed permissible place of use (PPU) is not entirely within the Squaw Creek Ditch Co. service area. The transfer, as currently drafted, allows for expansion of the rights by proposing irrigation of lands not within the service area of Squaw Creek Ditch Co. Please submit an amended application to address this issue.

Additionally, review of the transfer applications and research of the rights involved revealed the following:

- Application no. 74880 (Young) proposes to split rights 65-3045X and 65-11217 changing the ownership of a portion of the rights to the name(s) of Michael and/or Mary Young, and the remainder of the rights will be in the name of Blake and/or Sheri Probst. The application suggests one acre of the rights in the SE NW Sec 22, T8N, R1E should be placed in the name of Michael and/or Mary Young.

However, based on a percentage of the current PU owned by the two parties, it appears only 0.4 acres of irrigation of 65-3045X and 0.6 acres of 65-11217 in the SE NW Sec 22. T8N, R1E are owned by Young. Additionally, it appears only 0.4 af of stockwater of 63-3045X is owned by Young. The Department can approve a lesser quantity than applied for; therefore the applicant is not required to amend application no. 74880 to address this issue.

- Transfer No. 2362 approval conditions for right 65-3045X required measuring devices to be installed and maintained at the point of diversion on Squaw Creek and the points where Big Cottonwood Creek, Little Cottonwood Creek, Rattlesnake Creek, and Brush Creek are tributary to Squaw Creek. An additional condition of the transfer approval stated diversion of this right from Squaw Creek shall not exceed flow reaching Squaw Creek from those tributaries. These conditions should be complied with currently and will be included as conditions of transfer no. 74880 (Young) and no. 75363 (Dahlstrom), should they be approved. A copy of Transfer No. 2362 is enclosed for your reference. Please inform the Department the measures the Youngs', Dahlstroms', and others' who use the Squaw Creek diversion of water right 65-3045X intend to implement to comply with the conditions of Transfer No. 2362 to allow further processing of the above referenced transfer applications.

Please submit an amended application for transfer no. 74880 to address the expansion issue outlined above. Also, please submit information regarding the planned actions of water right 65-3045X users to comply with conditions of Transfer No. 2362. Your response, or a request for more time to make your response, must be received within 30 days from the date of this mailing. Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,


Angela M. Grimm
Sr. Water Resource Agent

Enclosure(s): Copy of Transfer No. 2362

Transfer No. 2362

Water Right No. 65-3015A

65-3045X

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Joe &/or Viola M. DeHesters

Phone 584-3332

Post office address Sweet, ID 83670

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to J. B. DeMasters

(Name)

in case of Diamond L.

vs H. Allen et al.

dated 5/28/27 in 7th Judicial District county of Gem

(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

Purchased right from father.

Big-and-Little Cottonwood Creek

3. Source of water Rattlesnake and Brush Creek tributary to Squaw Creek.

4. Date of priority February 16, 1889

5. Water is used for the following purposes:

amount .34 for irrigat

purposes from 4/1 to 11/1

amount .03 for stock

purposes from 1/1 to 12/31

amount _____ for _____

purposes from _____ to _____

(month/day - both dates inclusive)

6. Total amount of water under right: a. .34 cubic feet per second
b. 8 &/or acre feet per annum

7. Location of original point of diversion is SW ¼ of NW ¼ of Section 10

Township 8N Range 1E B.M. in Gem

County

Additional points of diversion, if any SWSW, Sec. 10; NW1/4, N1/2SW, Sec. 15; all in

Twp. 8N, Rge. 1E, B.M.

8. Lands irrigated or place of use:

[illegible]

Total number of acres to be irrigated 17

9. Describe any other water rights used for the same purposes as described above: Beneficial Use Right
No. 55-11217

1. Amount of water: a. _____ cubic feet per second
b. _____ &/or _____
c. _____ acre feet per annum

2. Point of diversion _____
Range _____ B.M. _____ Township _____
County _____

Additional points _____

3. Place of use: _____

[illegible]

1. Change in point of diversion

a. Amount of water to be diverted 34 c.f.s. &/or _____ acre feet

b. Point(s) of diversion SE 1/4 RM 1/4 Section 22 Township 8N
Range 1E B.M. Gem County _____
Additional points _____

c. Description of diverting works 10 HP motor and pump, 5 inch PVC underground pipeline to place of use.

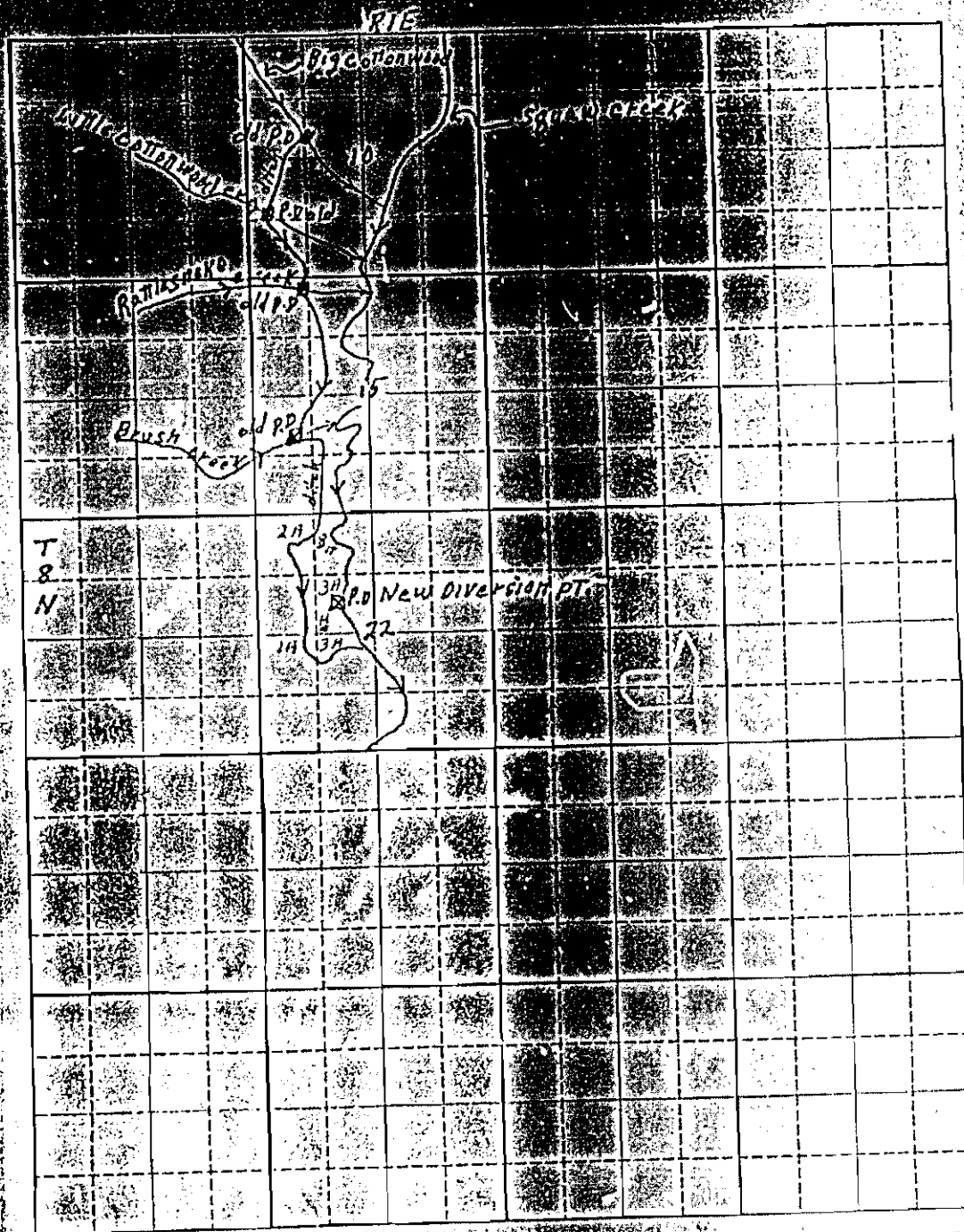
d. Describe the reasons for applying for a change in the point(s) of diversion Extensive water loss in three mile of gravity ditch. Excessive maintenance of ditch. New diversion point will be a pumping station with facilities for a sprinkler system and also into a gravity ditch.

[illegible]

Total number of acres to be irrigated _____

SEP 21 1952

Draw map indicating the new point(s) of diversion and/or all new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

4. Remarks Applicant will pump out of Squaw Creek. Present sources will run into Squaw Creek and pumped from new point of diversion.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Joe G. Masters
(Signature of applicant)

Subscribed and sworn to before me this 30 day of October, 19 79.

Kyle J. Knecht
(Notary public)

My commission expires 11/01

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 65-3045X and said application is hereby approved, subject to the following limitations and conditions:
(1) Use of water under this permit is subject to control by the watermaster of State Water District # 65A, Squaw Creek. (2) Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion from Squaw Creek and at the points where Big and Little Cottonwood, Rattlesnake and Brush Creeks are tributary to Squaw Creek. Water diverted under this Right from Squaw Creek shall not exceed water flow reaching Squaw Creek from said tributaries.

Witness my hand this 7th day of March, 19 80.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admth. Div.

FOR DEPARTMENT USE ONLY

Received by <u>JHD</u>	Date <u>10/24/79</u>	Protest filed by _____
Prelim. check by <u>665</u>	Fee <u>35.00</u>	_____
Receipted by <u>Kim</u>	Date <u>10/30/79 #15211</u>	_____
Published in <u>Summit Messenger</u>	Copies of protest forwarded by _____	_____
Pub. dates <u>10/24/79</u>	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	_____
rec'd. <u>13/11/79</u>	by <u>DSS Jue DRI</u>	_____

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SPF Water Engineering, LLC
water resource consultants

RECEIVED

JAN 13 2009

WATER RESOURCES
WESTERN REGION

January 12, 2009

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear Steve,

Enclosed on behalf of Blaine and Jane Dahlstrom is an Application for Transfer proposing changes to their portion of water rights 65-3045X and 65-11217. Check No. 1638 is also enclosed to cover the \$100 processing fee.

Please let me know if there are any questions. Thanks Steve.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Jane Dahlstrom

Enclosures

SPF file number: 766.0010