

Skaggs, Pam

From: Jason [jhelms@cableone.net]
Sent: Tuesday, June 23, 2009 5:49 PM
To: Skaggs, Pam
Cc: Charles E. Brockway; Del Kohtz; Erick Powell
Subject: Off-Setting Transfers 74093, 74094, 74095, etc..
Attachments: 35-13916_draft.pdf

Pam,

I received a letter today with your signature (dated June 22, 2009) which outlines some strange curtailment scenarios for the water rights involved in the Alliance/Stoker/KBC transfers. Could you provide some additional information regarding how these curtailment scenarios were determined? It appears to be based on diversion rates but I don't understand the methodology.

First of all, it seems to me that since the Sagewood water rights were originally outside the common ESPA groundwater boundary that, previous to the transfer approvals, no curtailment of these water rights was ordered; however, since the diversion locations are now within the boundary of the ESPA, curtailment will now be ordered based on priority and reach call location.

Second, Shouldn't the curtailment scenarios be based on maintaining the same relief for priority calls similar to that which would have been achieved from curtailment of the rights based on their location as they existed prior to the transfer?

Finally, I still have serious misgivings about comments which curtail rights on any basis other than priority. For instance, water right 35-13916 is a 1962 priority water right, however according to the remarks, it seems that 77% of the right would be curtailed from a 1970 priority call.

Your help in understanding how this is equitable for the water right holders is sincerely appreciated.

Thanks,

Jason C. Helms, P.E.
Thompson Engineering, Inc.
(208) 745-8771

6/24/2009

water right report

Close

IDAHO DEPARTMENT OF WATER RESOURCES Water Right Report

6/23/2009

WATER RIGHT NO. 35-13916

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARD LAND & LIVESTOCK LLC 227 E 400 S BURLEY, ID 83318 (208)677-3935
Current Owner	GLEN WARD 227 E 400S BURLEY, ID 83318 (208)677-3935
Directors Report Owner	BRUGGER CORP 370 CONVENTION WAY PO BOX 5408 REDWOOD CITY, CA 94063 (208)364-1008
Original Owner	BROCKWAY CORP 370 CONVENTION WAY PO BOX 5408 REDWOOD CITY, CA 94063 (415)364-1758

Priority Date: 05/23/1962

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.03 CFS	22 AFA
Total Diversion			0.03 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESWNW	Sec. 22	Township 08S	Range 29E	POWER County
GROUND WATER	SWSENW	Sec. 22	Township 08S	Range 29E	POWER County

IRRIGATION Use:

Acre Limit: 5.5

JCH - 6/23/2009

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	29E	22		NENE	19		NWNE	18		SWNE	37		SENE	39
				NENW	18		NWNW	3.1		SWNW	35		SENE	37
				NESW	27		NWSW	22		SESW	0.6		SENE	37
				NESE	40		NWSE	40		SWSE	29		SESE	37
		23		NWNW	1.2		SWNW	8.2						
				NWSW	21		SWSW	9.4						
		26		NENW	3.8		NWNW	33		SWNW	34		SENE	4.2
		27		NENE	14		SENE	15						

Total Acres: 545.5

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 5.5 acres within the place of use described above in a single irrigation season.
2.	X35	Rights 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 0.25 cfs, a total annual maximum diversion volume of 68 af at the field headgate, and the irrigation of 17 acres.
3.		Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 acres
4.	R05	Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6.	214	Prior to the diversion and use of water under Transfer approval 74093, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7.	213	Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8.	201	The combination of changes under Transfer approvals 74093, 74094, 74095, 74096, 74396, 74719 and 74781 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation. Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 74093.
9.	202	If the point(s) of diversion authorized under this right are included in an area subject to a conjunctive management order curtailing the diversion and use of ground water, this right shall be reduced in rate and remaining volume by the following percentages: - Curtailment senior to 5/16/1980, 1% reduction -Curtailment senior to 5/4/1978, 62% reduction -Curtailment senior to 10/16/1974, 71% reduction -Curtailment senior to 9/12/1973, 74% reduction -Curtailment senior to 5/26/1971, 74% reduction -Curtailment senior to 11/15/1970, 77% reduction -Curtailment senior to 5/23/1962, 100% reduction The preceding reductions shall not apply if the right holder (1) is participating in a mitigation plan approved by the director and administered by a ground water district or other recognized organization, or (2) to the extent that mitigation under item 1 is not sufficient, provides individual mitigation approved by the director. The mitigation under items 1 or 2 must provide compensation consistent with the requirements determined by the director in the curtailment order.
10.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
11.	F06	The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
12.	X36	Right 35-13396 is also diverted through the point of diversion located in the SWSNW Sec 22, T08S, R29E.
13.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Water Right Report

Dates:

Licensed Date:

Decreed Date: 07/26/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 545.5

Combined Volume Limit: 2182

Combined Rate Limit: 9.1

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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