

MEMORANDUM

Date: March 19, 2009
To: Transfer 74545 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer changes the place of use and point of diversion for six water rights diverting a total of 3.58 cfs and 975.7 af for the irrigation of 247 acres within a 308 acre PPU from one existing well. No new wells will be drilled. An ownership change was done up front to prepare for this and another transfer. (The ownership changes were actually received several years ago but because of some problems with splitting enlargement right 36-15531 - missed in a previous transfer, the splits were never completed.) Two of the parent rights (36-15612 and 36-15620) were split two ways as they were totally conveyed to Mountain View Land and WLR, LC, who have filed transfer 74544 to deal with their portion. The other four parent rights (36-15614, 36-15622, 36-15566, and 36-15531) were split three ways, for the two transfers and a remaining portion. (The remaining portion was a part of Young & Young, which has been sold to Western Mortgage.) An irrigation agreement signed by the parties that specified the amounts to be conveyed was submitted with the applications and ownership changes but when it was determined that we could not honor the volume amounts on the enlargement right (splits of 36-15531) because all of the volume was already accounted for in the other rights per the system capacity, a new amended agreement was provided which directed us to split the rights according to the agreed upon acres and let the volumes be determined by the acres. Location of the well is approximately 11.5 miles north and 7.5 miles west of Rupert.

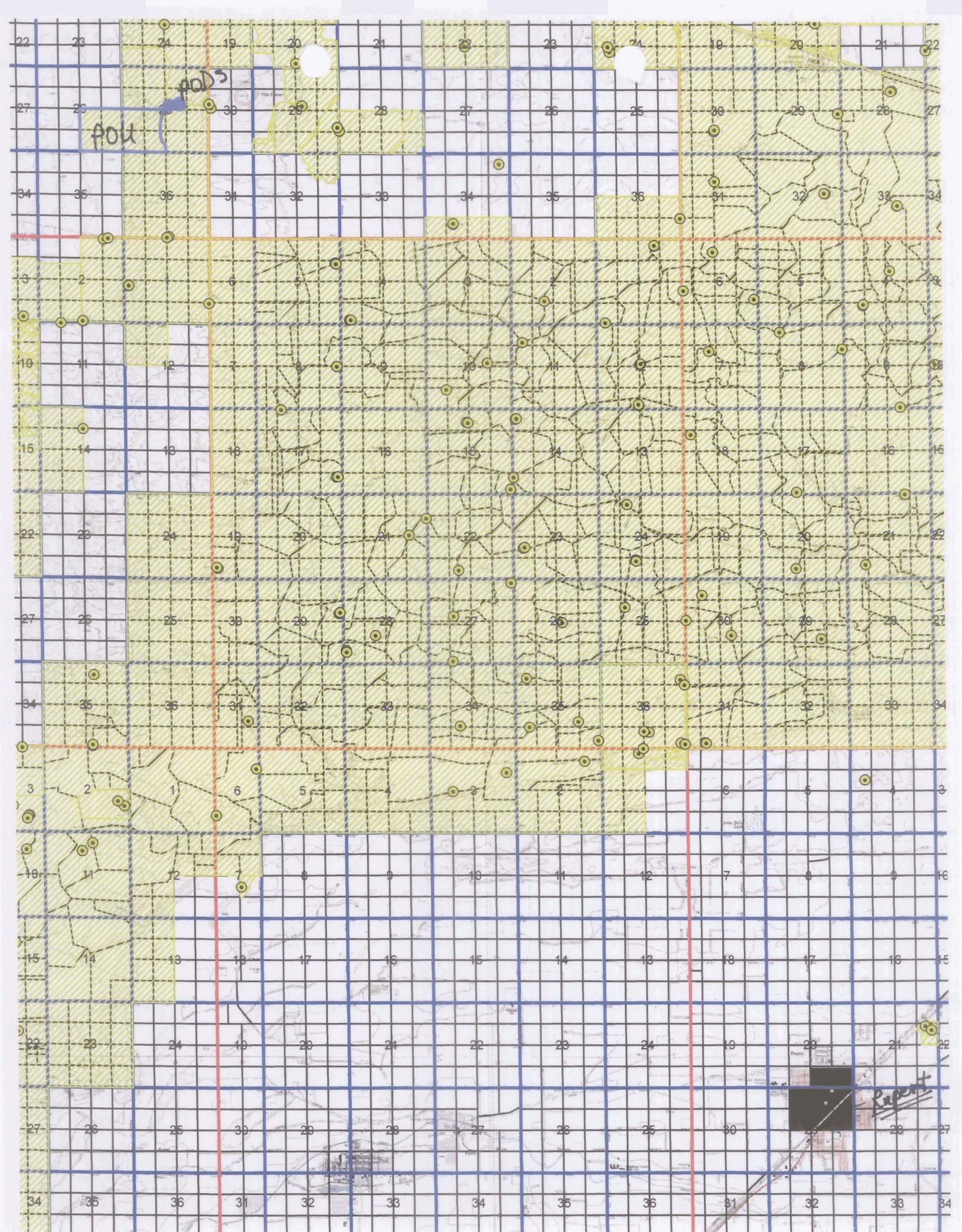
- **Authority to File:**
The application was filed by Brockway Engineering for Mountain View Land, LP and signed by Steve Whitesides, who is listed as President of Mountain View Land Limited Partnership on the Secretary of States Page. Applicant stated that there was no lien holder on the property.
- **Water Right Validity:**
The parent rights for the first four were decreed on 8/27/2001, the parent for 36-16577 was licensed on 9/22/2000, and the parent for enlargement right 36-16586 was decreed on 9/17/2002. The ownership changes were received in 2005 and 2006. Review of the recent aerial photos indicates the lands are still being irrigated so forfeiture should not be an issue.
- **Injury to Other Water Rights:**
None anticipated. One well and 247 acres are being removed from a system of nine wells irrigating 2,806 acres within a 2928-acre PPU. No new wells will be drilled. The model was not run nor was it needed because the wells are not being moved.
- **Enlargement of Use:**
None anticipated. The area is within WD130 so watermaster comments will be sought.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: April 01, 2009
To: Transfer 74545
From: jroberts
Re: Legal Notice Remarks

Transfer changes the place of use and point of diversion of six water rights diverting a combined total of 3.58 cfs and 975.7 af for the irrigation of 247 acres within a 308-acre permissible place of use to one existing well. (It removes the rights from a larger system of 2,806-acres and nine wells due to an ownership change of part of the property.) No new wells to be drilled. Location of the well is approximately 11.5 miles north and 7.5 miles west of Rupert.



Transfer 74545 Mtn. View

36-16563

0.88 cfs; 281.8 AF

36-16569

2.89 cfs; 505.1 AF

36-16572

0.1 cfs; 48.2 AF

36-16575

0.17 cfs; 81.3 AF

36-16578

0.42 cfs; 75.5 AF

36-16587

0.03 cfs; 3.1 Ac.

2.89 cfs
786.9 AF
196.7 Ac

113.4 AF
47 Ac.

47.2 Ac

3.58 cfs
975.7 AF
243.9 Ac

3.58 cfs
975.7 AF
247 Ac.

0.17 cfs
50.1 Ac.
(47+3.1)

**Youngs - WLR, L.C. MVL, L.P.
Revised Water Right Split**

	Split to Mountain View Land, LP					
	Pivots (25C, 26B): 247.0 Acres					
RIGHT #	36-15612C -16563	36-15620C -16564	36-15614C -16572	36-15622C -16575	36-15566C -16578	36-15531C -16587
SOURCE	GROUND WATER	GROUND WATER	GROUND WATER	GROUND WATER	GROUND WATER	GROUND WATER
OWNER	Mountain View Land, Mountain View Land, Mountain View Land, Mountain View Land, Mountain View Land, Mountain View Land,					
	LP	LP	LP	LP	LP	LP
PRIORITY DATE	2/17/1948	2/8/1977	8/15/1952	2/19/1952	2/20/1990	3/15/1987
BASIS	DECREED	DECREED	DECREED	DECREED	DECREED	DECREED
USE	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION
Authorized	0.88 CFS	2.89 CFS	0.10 CFS	0.17 CFS	0.42 CFS	0.03 CFS
Combined	2.89 CFS		0.69 CFS			
Acre Limit			47.46 Acres	0.2 Acres		3.13 Acres
Acre Limit			47.2	46.9		
Acre Limit	196.7 Acres		50.3 Acres			
Volume Limit	281.8 AFA	505.1 AFA	482.47 AFA	84.3 AFA	75.5 AFA	19.2 AFA
Volume Limit	786.9 AFA		113.4	112.7 AFA	75.5	69.2 AFA
Diversion	3.58 CFS					
Acre Limit	247.0 Acres					
Volume Limit	975.7 - 988.0 AFA					

6.50 gpm/ac

4.00 af/ac

	Split to WLR, L.C.					
	Pivots (25B, 25D & 36A,B,C,D): 868.0 Acres					
RIGHT #	36-15612D	36-15620D	36-15614D	36-15622D	36-15566D	36-15531D
SOURCE	GROUND WATER	GROUND WATER	GROUND WATER	GROUND WATER	GROUND WATER	GROUND WATER
OWNER	W L R, L.C.	W L R, L.C.	W L R, L.C.	W L R, L.C.	W L R, L.C.	W L R, L.C.
PRIORITY DATE	2/17/1948	2/8/1977	8/15/1952	2/19/1952	2/20/1990	3/15/1987
BASIS	DECREED	DECREED	DECREED	DECREED	DECREED	DECREED
USE	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION
Authorized	3.10 CFS	10.14 CFS	0.35 CFS	0.59 CFS	1.49 CFS	0.10 CFS
Combined	10.14 CFS		2.42 CFS			
Acre Limit	691.3 Acres		164.2 Acres		0.7 Acres	11.8 Acres
Acre Limit			164.9 Acres			
Acre Limit	691.3 Acres		176.7 Acres			
Volume Limit	990.2 AFA	1,774.9 AFA	168.5 AFA	227.6 AFA	263.6 AFA	67.5 AFA
Volume Limit	2,765.1 AFA		396.1 AFA		243.2 AFA	
Diversion	12.56 CFS					
Acre Limit	868.0 Acres					
Volume Limit	3,472.0 AFA					

6.50 gpm/ac

4.00 af/ac

	<u>Remaining Water Rights</u>					
	REMAINING : 1716.5 Acres					
RIGHT #	36-15612B	36-15620B	36-15614B	36-15622B	36-15566B	36-15531B
SOURCE	GROUND WATER	GROUND WATER	GROUND WATER	GROUND WATER	GROUND WATER	GROUND WATER
OWNER	Maria, Steve & Roy Young	Maria, Steve & Roy Young	Maria, Steve & Roy Young	Maria, Steve & Roy Young	Maria, Steve & Roy Young	Maria, Steve & Roy Young
PRIORITY DATE	2/17/1948	2/8/1977	8/15/1952	2/19/1952	2/20/1990	3/15/1987
BASIS	DECREED	DECREED	DECREED	DECREED	DECREED	DECREED
USE	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION	IRRIGATION
Authorized	0.00 CFS	0.00 CFS	3.37 CFS	5.69 CFS	14.46 CFS	0.93 CFS
Combined	0.00 CFS		23.52 CFS			
Acre Limit				1595.2 Acres	6.7 Acres	114.7 Acres
Acre Limit				1601.8 Acres		
Acre Limit	0.0 Acres		1716.5 Acres			
Volume Limit	0.0 AFA	0.0 AFA	1,636.8 AFA	2,240.8 AFA	2,560.4 AFA	655.7 AFA
Volume Limit	0.0 AFA		3,847.6 AFA			
Diversion	23.52 CFS					
Acre Limit	1716.5 Acres					
Volume Limit	6,866.0 AFA					

6.15 gpm/ac

4.00 af/ac