MEMORANDUM

TO: Bruce Willis Transfer File (water right 37-08461)

FROM: Corey Skinner CS

DATE: October 22, 1996

SUBJECT: Staff Review

The enclosed transfer application, filed by Brockway Engineering for Bruce Willis, seeks to add diversion points and redistribute the place of use of water right 37-08461. The place of use is being redistributed to encompass a portion of a larger overall place of use. Water right 37-08461 was just recently licensed, 09/19/96, so possible forfeiture should not be an issue.

Companion transfers have been filed to try and "clean up" and properly record Mr. Willis' water rights in the area just north of Hailey. The methodology behind the filings of the transfer applications is discussed in Brockway Engineering's narrative enclosed with the transfer application. A summary would be as follows:

Currently, Mr. Willis owns two groundwater rights (37-08461 and 37-08647) for the irrigation of 5 acres within the area just north of Hailey. In addition, Mr. Willis owns portions of surface rights 37-00557, 37-00558, 37-00559, and 37-00577 that are appurtenant to the same place of use. Mr. Willis is currently irrigating approximately 18.5 acres with groundwater and is running all his surface water through a series of aesthetic ponds and ditches. In addition, Mr. Willis desires to irrigate approximately 12 additional acres that are not currently irrigated.

Four transfer applications have been filed to attempt to cover the total current and desired future irrigation. The total irrigated acreage consists of 3 acres east of Highway 75 and approximately 27.3 acres within Flying Heart Subdivision, west of Highway 75. The basic idea behind this transfer, and the companion transfers, is that any of the total acreage not capable of being covered by the currently licensed 5 acre total (37-08461 and 37-08647) will be covered by transferring a portion of groundwater right 37-02584. A transfer application has been filed to transfer a portion of water right 37-02584 to the three acres east of Highway 75.

Mr. Willis' total proposed irrigated area within Flying Heart Subdivision (27.3 acres west of Highway 75) was treated as one common system/area. This Flying Heart area will be covered by six wells located on various lots that Mr. Willis owns within the subdivision. A transfer application has been filed to spread the 2.0 acres of licensed ground under 37-08461 over the Flying Heart

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area and to add five additional points of diversion (six total) to this particular right. Similarly, a transfer application has been filed to spread the 3.0 acres of licensed ground under 37-08647 over the Flying Heart area and to add five additional points of diversion (six total) to this particular right. In addition, a transfer application has been filed to transfer a portion of water right 37-02584 to the six wells in the Flying Heart area to cover the remaining irrigated ground not covered by 37-08461 and 37-08647.

Transfer applications have been filed to properly record the current use of Mr. Willis' surface water rights. However, legal issues concerning the ownership of some of these surface rights currently prevent the processing of all but one of these additional applications. From what I observed during a visit to the Flying Heart area earlier this summer, and what the water master has told me, Mr. Willis uses his surface water for aesthetic purposes in his pond and ditch system and has for quite some time. Therefore, the surface water rights that overlap the place of use involved with the groundwater right transfers should not cause any overlap problems.

Water right 37-08429, domestic and irrigation use in the name of Flying Heart Ranch II subdivision, is appurtenant to a portion of Mr. Willis' Flying Heart property (lots 4 and 6). Water right 37-08429 was licensed for 20 acres of irrigation for 16 lots within the subdivision. Mr. Willis' "groundwater transfer package" was prepared to cover the irrigation of a portion of land covered by the subdivision right (37-08429). This was done because Mr. Willis apparantly does not want to use the subdivision's system if he can transfer his own water rights to his property and have his own independent system. If Mr. Willis' transfers are approved, the subdivision could possibly file a transfer application to redistribute Mr. Willis' portion of the acres and water to other lots currently covered by the license. This would benefit the individual lot owners by allowing them to obtain a small amount of additional water for possible additional irrigated acres not currently covered by 37-08429.

Brockway Engineering prepared and submitted Mr. Willis' applications as a package, and the applications should probably be either approved or denied as a package. There should be no problems with overlapping surface rights since they are no longer used for irrigation, and the only other possible overlap involves the subdivision's right (37-08429). In addition, there appears to be no expansion involved with Mr. Willis' "groundwater transfer package". However, the most crucial components of the transfer package are the transfer applications involving water right 37-02584.

Water right 37-02584 is the base right that is proposed to provide the water, and therefore the irrigated acres, to make up the discrepancy between the currently licensed 5.0 acres and the proposed 30.5 acres of irrigation. Water right 37-02584 is diverted from and appurtenant to land in the Camas Prairie, near the Camas County and Blaine County line (Sections 3, 4, and 9, Township 01S, Range 16 East). The transfer package proposes to divert and use portions of this right from and on land in the Wood River Valley (Sections 4 and 5, T02N, R18E and Section 32, T03N, R18E). These two areas are both in the Big Wood River Groundwater Management area, but both areas are quite a few miles apart and on opposite sides of the Big Wood River. Therefore, the department may want to carefully consider possible effects on the local aquifers, and possible precedence when considering the proposed transfers for approval.