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RECEIV
SEP 10 1996
Department of Water Resources
Southern Region

September 10, 1996

Mr. Corey Skinner
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Re: Willis water right transfer applications for 37-02584, 37-08647, 37-08461, and 37-0577BT

Dear Corey:

With this letter I am re-submitting the following items: 1) two transfer applications for 37-02584 (the Fairfield groundwater), 2) a revised narrative in support of all transfer applications that will be processed at this time, and 3) revised tables of current and future irrigation, including the breakdown of the acreages on each transfer. These tables should replace any other such tables which you may have. I am not re-submitting the diagrams for each transfer or the legal documentation of ownership, since you should have these.

According to our meeting yesterday, the transfer for 37-02584 was split in order to move the water to the two separate systems: the Flying Heart property and the McKenzie property. Part 2 of each application has been corrected so that only the changed and unchanged portions of the right being transferred are described. Also, based on your telephone call yesterday to Jim Johnson, the fact that the recently-licensed community irrigation right for Flying Heart Ranch is appurtenant to portions of lots 4 and 6 was not considered in the transfer.

We discussed the applications for 37-08647 and 37-08461 yesterday, made minor changes, and agreed that these applications are ready to be processed. I have reviewed the application for 37-0577BT; it is very straightforward and no modifications are necessary. Therefore, with the re-submittal of the two applications herein for 37-02584, you should be able to proceed with the processing of these applications. Given that these applications were originally submitted seven months ago, and that all of your requests for revisions could have been voiced at the first meeting in February 1996, I hope that you will now proceed diligently.

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., E.I.T.

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It is my understanding that you are holding the applications for the three surface decrees (37-00557, 37-00558, and 37-00559) until the matter of ownership of these rights is resolved.

Sincerely,

Charles G. Brockway

enclosures
cc: Mr. Ed Simon (w/o enclosures)

SEP 10 1996
Department of Water Resources
Southern Region

NARRATIVE IN SUPPORT OF WATER RIGHT TRANSFER APPLICATIONS FOR 37-02584, 37-08647, 37-08461, AND 37-0577BT

BRUCE WILLIS PROPERTY

Brockway Engineering, P.L.L.C.

September 10, 1996 (REVISED)

This revised narrative will serve as supplementary information for the five transfer applications originally submitted in February 1996 and re-submitted with required modifications on May 14, 1996. Further modifications have been requested by Mr. Corey Skinner before processing can proceed. The applications for transfer of water rights are being submitted for Mr. W. Bruce Willis. Mr. Willis owns property north of Hailey, Idaho and near Fairfield, Idaho. Specifically, the properties to which the transfers are appurtenant is 1) lots 4, 6, 18, 20, 34, 37, 38, 39A, and 41 of Flying Heart Subdivision No. 1; 2) Unplatted parcels on McKenzie lane (directly east of Flying Heart across Highway 75); and 3) Block 1, Lot 7 of Northridge Subdivision No. 1. The Northridge lot lies directly east of and is contiguous with the McKenzie property.

Currently, irrigation water for the property is supplied by six (6) wells: one on each of Flying Heart lots 34, 37, 39A, and 41, and two on the McKenzie property. A total of

18.46 acres is currently being irrigated, and approximately 12 additional acres is planned in the future. Mr. Willis owns groundwater rights for two of these wells (those in lots 34 and 37), which allow 5 acres of irrigation. In addition, the recently-licensed right 37-08429 for a community water system in the name of Flying Heart Ranch is appurtenant to 16 lots, including Mr. Willis' lots 4 and 6. This right allows 20 acres of irrigation. However, the applicant does not withdraw water from this system, and does not intend to. Therefore, the transfers are being submitted without regard to this community right. The applicant's water rights are deficient by approximately 25 acres. Mr. Willis owns a groundwater license for 500 acres of irrigation near Fairfield. Transfer applications are being filed to move water from the Fairfield land to the land north of Hailey to remedy this deficiency.

In addition to irrigation, a diversion from the Big Wood River supplies aesthetic and recreational ditches and ponds through the main portion of Mr. Willis' land (Flying Heart lots 34, 37, 38, and 41). The three rights under which this diversion is taking place are decreed irrigation rights. These rights were assigned to several lot owners within the Flying Heart Subdivision, including the applicant. The applicant then purchased two additional lots, bringing his share of these rights to a 2/3 interest. Further documentation is being secured to determine whether the applicant has acquired these rights in totality. Transfer applications have been submitted for these rights; however, they are not being processed pending a resolution of the ownership matter.

Other transfers are being filed to correct minor errors which exist in the information currently in the IDWR database. The applications are provided in Section 2, and will be discussed below.

Current and future irrigation

The tables provided in Section 3 show the amount of land which is currently irrigated in each lot and each quarter-section, and the amount which will likely be irrigated in the near future. Irrigation of the main Flying Heart land (lots 34, 37, 38, and 41) and the McKenzie property (including lot 7 of Northridge) will remain essentially as it exists. Additional irrigation will be developed in Flying Heart lots 4, 6, 18, 20, and 39A. Two additional wells are planned in Flying Heart lots 6 and 20. Refer to the diagrams in Section 3 for the location of the irrigated lots.

Discussion of transfer applications

Each transfer application included in this package is discussed below. Diagrams appurtenant to each transfer are provided in Section 3.

1. Transfer for 37-02584. This is a groundwater license that was acquired along with land recently purchased by Mr. Willis in March of 1995. The quitclaim deed shows that this water right was included with the sale (see Section 4). This groundwater license has a priority date of 1955 and is appurtenant to 500 acres near Fairfield, Idaho. The diversion rate listed on the license is 2.21 cfs. It is requested that water be transferred from this

point of diversion and place of use to the property north of Hailey. Per the recommendation of Mr. Corey Skinner of IDWR Southern Region, two applications are being submitted: one to move water to the Flying Heart property, which will likely become an interconnected system, and one for the McKenzie Lane property, which is a separate system across Highway 75.

Current and future wells would be included as points of diversion. The total irrigation deficiency is 25.4 acres, broken down by quarter-section in Section 3 of this narrative and on Part 1 of the transfer application. At 0.02 cfs / acre, 25.4 acres requires 0.508 cfs. Although license 37-02584 lists 500 acres, the SRBA claim only lists 270 acres. The claim was filed while the land was held in the Federal Crop Reduction Program prior to purchase by Mr. Willis. As per a meeting with the director of IDWR Southern Region, the water would be transferred based on the claimed irrigation rather than the licensed irrigation, i.e. water would be transferred at a rate of 2.21 cfs / 270 acres = 0.008185 cfs / acre. Therefore, the portion of the Fairfield property no longer irrigated would be 0.508 cfs / (0.008185 cfs / acre) = 62.1 acres. These amounts are apportioned accordingly on each of the two separate transfer applications. Note that the amounts on Part 2 of the McKenzie property application assumes that the two applications are concurrently approved, so that the total acreage reduction from the Camas County land is correct.

2. Transfer for 37-08461. This is a groundwater license appurtenant to the well in Flying Heart lot 34. The license is for 2 acres of irrigation, plus domestic, stock, and fire protection, with a total rate of 0.07 cfs This transfer application is being filed to correct

the point of diversion decryption to coincide with the actual location of the well, and to modify the place of use. The place of use is being modified to ensure that the right will be appurtenant to all applicable quarter-sections for the Flying Heart property (except lots 18 and 20). This is desired to maximize the flexibility of the irrigation system for future usage (see Table 2, Section 3).

3. Transfer for 37-08647. This is a groundwater license appurtenant to the well in Flying Heart lot 37. The license lists 3 acres of irrigation plus domestic, with a total rate of 0.09 cfs A transfer application is being filed to correct the point of diversion and to modify the place of use. See the discussion for 37-08461 for a further description of the place of use modification. The well currently irrigates a total of 10.08 acres. This deficiency would be remedied by the transfer of 32-02584.

4. Transfer for 37-0577BT. This is a surface water decree for the Big Wood River. It is a non-consumptive right for fish propagation, recreation, and aesthetics. The transfer application is being filed to delete an unused point of diversion, change the place of use to the pond and ditch system and to delete fish propagation as a use. This right, a portion of the original Riley water, has a somewhat convoluted history. Mr. E. Parry Thomas acquired right 37-00577AH for 1.58 cfs of non-consumptive water for fish, recreation, and aesthetics from Mr. Kenneth Moore. As part of the sale, Mr. Thomas initiated a transfer for 1.20 cfs of the 1.58 cfs to add a point of diversion and change the place of use to land south of Mr. Willis' property. This transfer has been approved, but it is unclear

how the result of the transfer is recorded by IDWR. In the transfer process, identification numbers became confused. Most likely, the result of the transfer was water right 37-00577BT for 1.20 cfs. To document this, a copy of transfer 2776 is provided in Section 4. However, the IDWR database record for 37-00577BT is an entirely different right.

Willis water rights
Current and future irrigation by 1/4 section
Brockway Engineering. CGB 12/12/95, updated 5/13/96

CURRENT IRRIGATION

Section	1/4 1/4	Lot Number 34	37	38	41	39A	4	6	18	20	McK	TOTAL by 1/4 1/4
5	NWNE	2.97	0.39									3.36
5	SWNE	0.56	1.58	5.65	3.92	0.10						11.81
5	SENE				0.15	0.14						0.29
5	NENE											0.00
32	SWSE											0.00
4	SWNW										3.00	3.00
												TOTAL:
TOTAL BY LOT		3.53	1.97	5.65	4.07	0.24	0.00	0.00	0.00	0.00	3.00	**18.46**

PROBABLE FUTURE IRRIGATION

Section	1/4 1/4	Lot Number 34	37	38	41	39A	4	6	18	20	McK	TOTAL BY 1/4 1/4
5	NWNE	2.97	0.39									3.36
5	SWNE	0.56	1.58	5.65	3.92	0.10						11.81
5	SENE				0.15	2.00	2.50					4.65
5	NENE							2.50				2.50
32	SWSE								2.50	2.50		5.00
4	SWNW										3.00	3.00
												TOTAL:
TOTAL BY LOT		3.53	1.97	5.65	4.07	2.10	2.50	2.50	2.50	2.50	3.00	**30.32**

POINTS OF DIVERSION
(C = Current, F = Assumed future location)

Section	1/4 1/4	Lot Number 34	37	38	41	39A	4	6	18	20	McK	TOTAL NO. BY 1/4 1/4
5	NWNE	C,F	C,F									2
5	SWNE				C,F							1
5	SENE					C,F						1
5	NENE							F				1
32	SWSE									F		1
4	SWNW										C,F (2)	2
												TOTAL:
TOTAL NO. BY LOT		1	1	0	1	1	0	1	0	1	2	**8**

Willis water rights
Current and future irrigation by 1/4 section
Brockway Engineering. CGB 12/12/95, rev. 5/13/96, 8/5/96, 9/9/96

IRRIGATION SUMMARY

Section	1/4 1/4	Current	Probable Future	Currently Licensed**	37-08461 after trans.	37-08647 after trans.	Flying Heart 37-08429*	Req'd trans. from Fairfield	Listed acres on transfer
5	NWNE	3.36	3.36	2.50	0.50	0.75	0.00	2.11	2.1
5	SWNE	11.81	11.81	2.50	0.50	0.75	0.00	10.56	10.6
5	SENE	0.29	4.65	0.00	0.50	0.75	0.00	3.40	2.2
5	NENE	0.00	2.50	0.00	0.50	0.75	0.00	1.25	0.0
32	SWSE	0.00	5.00	0.00	0.00	0.00	0.00	5.00	5.0
4	SWNW	3.00	3.00	0.00	0.00	0.00	0.00	3.00	3.0
	TOTAL	**18.46**	**30.32**	**5.00**	**2.00**	**3.00**	**0.00**	**25.32**	**22.9**

* This is a pending license in the name of Flying Heart Subdivision. The permit is for 16 homes and 20 acres of irrigation, which would therefore allow 1.25 acres of irrigation on each of lots 4 and 6; however per meeting w/ C. Skinner and teleconf. w/ J. Johnson on 9/9/96, it is not necessary to account for these acres in the transfer.
** License 37-08647: 0.5 ac. in NWNE5, 2.5 ac. in SWNE5. License 37-08461: 2.0 ac. in NWNE5.