

MEMORANDUM

TO: File 22-7418

FROM: KAY WALKER

RE: License Review

Date: January 5, 2006

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I was advised that we should prepare licenses for the lands under this permit by current ownership but this was problematic. Called Madison County Assessor office on December 30, 2005, and confirmed that the ownership of lands in SE $\frac{1}{4}$, S12, 5N; 40E are owned by Richard Smith. Lands in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13 are owned by Richard Smith. Lands in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13 are owned by Byron Webster, et al. Lands in N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, 5N, 41E are owned by Richard Smith. Lands in S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18 are owned by Webster Brothers. These property owners have made arrangements to irrigate each other's properties. I requested a copy of the agreement but did not get a response to my letter. In order to proceed with the licensing of this permit it was decided that we could license the two systems found by field examiner and then the land owners may have to file transfers in the future if they want to make changes to the water rights. This permit will be split into 2 parts under numbers 22-13457 (SRBA 22-7418A) and 22-13458 (SRBA 22-7418B) since there were 2 separate systems utilized on lands included under the permit.

License 22-13457 has been prepared as 517.1 acres of irrigation at 0.011 cfs per acre (5.88 cfs/517.1 acres). There are no other water rights diverted from this well according to information search of our database. Field examiner recommended 592.7 acres of irrigation on his exam. Lands in S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18 were previously licensed under Rt. 22-7071 but those lands have not been claimed in the SRBA under Claim 22-7071. In phone conversation with Al Ruberry (he is preparing Rts. 22-7071 and 22-7418 for SRBA recommendations) on 12/30/05 regarding these lands and he stated he will request an amended claim for 22-7071 so that he can recommend the lands in S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18 as part of that licensed right. I did not include these lands in licensing recommendations as they are licensed under Rt. 22-7071 at 0.015 cfs per acre, which allows a better flow rate for these lands.

License 22-13458 has been prepared as 71 acres of irrigation from the wells developed under Rts. 22-7071, 22-7156 and 22-2247 since that land has been irrigated from Webster Brothers wells due to the land swapping agreement. There are no other water rights for this 71 acres. I recommend that we allow 0.92 cfs for the irrigation of the 71 acres. I reviewed the rates licensed under rights 22-7071 (0.015 cfs/ac), 22-2247 (0.011 cfs/ac) and 22-7156 (0.013 cfs/ac). I averaged these rates and came up with an average of 0.013 cfs/acre so have prepared license 22-13458 at this rate. These rights,

when combined, will have a capacity limitation of 18.27 cfs based on flows determined on the prior licenses. Claim 22-7418B will need to be amended to allow the rate I have recommended since they only claimed 0.57 cfs for this land.

In discussion with Al Ruberry and Skip Jones it was determined that they will "invite" the parties involved under this permit into the office so they can sit down with the parties and go over the proposed licenses and the claims that have been submitted which are currently undergoing SRBA review. I will prepare licensing amendments and layouts of each proposed license and e-mail them to Al so he can discuss with the parties at the time of their visit.



Idaho Department of Water Resources

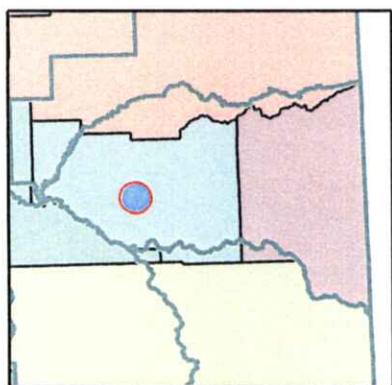
T05N R40E
T05N R41E

Water Right Number:

22-13458

Legend

-  License 22-13458
-  Points of Diversion
-  Sections
-  QQ



Madison County
IDWR Basin 22



Prepared by K. Walker
On Wednesday, January 4, 2006
2004 NAIP Aerial Photography

Basin	Sequence	Suffix	Rate(cfs)	Volume(af)	Source	Owner(s)	Source Table
22	2247		7.27		GROUND WATER	FRANKO FARMS INC	wrAdjudicationClaim
22	2247		7.27	2236.50	GROUND WATER	WEBSTER, FRANK R	wrWaterRight
22	7071		13.35		GROUND WATER	FRANKO FARMS INC	wrAdjudicationClaim
22	7071		13.35	3077.00	GROUND WATER	FRANKO FARMS INC	wrWaterRight
22	7156		8.00		GROUND WATER	FRANKO FARMS INC	wrAdjudicationClaim
22	7156		8.00	2114.00	GROUND WATER	WEBSTER, FRANK R	wrWaterRight
22	7418	B	0.57		GROUND WATER	FRANKO FARMS INC	wrAdjudicationClaim
22	13458		1.42	249.00	GROUND WATER	SMITH, JOHN H	wrWaterRight

22-2247 = $\frac{7.27 \text{ cfs}}{639 \text{ ac}} = 0.01137 \text{ cfs/ac}$
 (NENW, S19, 5N, 41E) $\approx 0.011 \text{ cfs/ac}$

22-7071 = $\frac{13.35 \text{ cfs}}{879 \text{ ac}} = 0.015 \text{ cfs/ac}$
 (NWNW, S24, NENW, S19)

22-7156 = $\frac{8.0 \text{ cfs}}{604 \text{ ac}} = 0.013 \text{ cfs/ac}$
 (NENW, SWNE, Sec 19)
 $\frac{0.039}{3} = 0.013 \text{ average}$
 28.62
 ↑
 exceeds capacity

$\times 71 \text{ ac} = 0.92$
 for Rt. 22-13458

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	22 13458	JOHN H SMITH,	GROUND WATER	05N40E13		34	37														71
Permit	22 7418	JOHN H SMITH,	GROUND WATER	05N40E13		40	40											40	40		160
Claim	22 7418B	FRANKO FARMS INC.,	GROUND WATER	05N40E13		40	40														80
Right	22 13457	JOHN H SMITH,	GROUND WATER	05N40E13	7.1																7.1
Right	22 2201	LELAND J JENSEN, REX J JENSEN, GRANT L JENSEN,	GROUND WATER	05N40E13					40	37	29	40	40	23	18	40					267
Claim	22 2247	FRANKO FARMS INC.,	GROUND WATER	05N40E13																40	40
Right	22 2247	FRANK R WEBSTER,	GROUND WATER	05N40E13																40	40
Right	22 591	CHARLES H WOODMANSEE,	MOODY CREEK	05N40E13					X	X	X	X	X	X	X	X					0
Right	22 592	CHARLES H WOODMANSEE,	MOODY CREEK	05N40E13					X	X	X	X	X	X	X	X					0
Right	22 593	CHARLES H WOODMANSEE,	MOODY CREEK	05N40E13					X	X	X	X	X	X	X	X					0
Right	22 594	CHARLES H WOODMANSEE,	MOODY CREEK	05N40E13					X	X	X	X	X	X	X	X					0
Claim	22 7071	FRANKO FARMS INC.,	GROUND WATER	05N40E13	30			40									40	40	40		190
Right	22 7071	FRANKO FARMS INC.,	GROUND WATER	05N40E13	30			40									40				110

no p/u ok