

Review of Faulkner water rights by Kay Walker of IDWR 10/3/2002

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This report is a review of the water rights in the names of Faulkner Land and Livestock and Sawtooth Sheep Company for water diverted from a well located in the SESW, S31, T6S, R15E. This well was measured by Steelhead Engineering (Jeff Martins of North Snake Ground Water District) on June 27, 1997 at an average flow of 2617 gallons per minute. This flow converts to 5.83 cfs which is the amount subsequently licensed as the capacity of the well under 37-08702. A copy of the field notes completed by Steelhead Engineering is located in file 37-08702 under the field exam. Proof of beneficial use of these permits was made on January 13, 1995 for 37-08702, and on July 13, 1993 for 37-08720, so the measurement made in 1997 is sufficient for both permits.

Water Rights Sharing the Point of Diversion with 37-08702

I conducted a point of diversion overlap review of this well on August 16, 2002, and found that rights located at this point of diversion consist of 37-08005D, 37-08702, 37-08720 (draft license), 37-08005B, and 37-08812. There is also an application for permit No. 37-08785, which has not been approved, so was not considered in this overlap. All rights as licensed, including draft license 37-08720, as shown on paper would be 8.74 cfs but the **well capacity limits the water rights to 5.83cfs**. This is the only point of diversion for each of these rights. A review of the water rights from this well is as follows:

Licensed Rights – Place of Use A

37-08005D	0.41 cfs	limited to	31 acres	within a 260 acre ppu
37-08702	2.50 cfs	limited to	139 acres	within a 260 acre ppu
Subtotal:	2.91 cfs		170 acres	

Licensed Rights – Place of Use B

37-08005B	2.02 cfs	for	111 acres
37-08812	0.82 cfs	for	53 acres
Subtotal:	2.84 cfs		164 acres

Draft License – Place of Use B

37-08720	2.99 cfs	limited to	160 acres	within a 324 acre ppu
Subtotal:	5.83 cfs		324 acres	

Totals: **5.83 cfs*** for **494 acres** (within a 584 acre area)

***the water rights must be limited to capacity of well**

- The diversion rate per acre for the land authorized to be irrigated under these rights is $5.83/494 = 0.012$ cfs/acre.
- There is no overlapping place of use between the 260 acre ppu (Place of Use A) and 324 acre ppu (Place of Use B).
- There are no combined rate limits on any of the licensed rights. I had inserted one on Rt. 37-08702 that does not apply since the licensed rights at the time I prepared 37-08702 did not exceed 5.83 cfs.

Other Faulkner Water Rights

Faulkner also has water right 37-08487D which he had placed into the water supply bank and then leased from the bank to use for irrigation of 112 acres in Sec. 31, T6S, R15E and Sec. 5, T7S, R15E. This water was also to be diverted from the well in SESW, S31, T6S, R15E but did not show up when I conducted my point of diversion or place of use overlap review. This right is for 0.86 cfs and 115.7 AF. This lease is for the 2002 irrigation season only. This right is appurtenant to lands in Sections 27, 33 and 34, Twp. 5S, Rge. 12E and is to be diverted from a well in the NWSE, Sec. 27, T5S, R12E when not in the water supply bank. This right was not considered in the overlap review since it is a one-year lease for this place of use. However, this lease would allow the irrigation of an additional 112 acres within the place of use, thus allowing irrigation of 606 acres under ground water rights for the 2002 irrigation season.

In talking with Tim Luke regarding the Faulkner water rights, it is noted that Mr. Faulkner does not have any permanent canal shares on this property. He did, however, transfer in 150 shares of canal water for lands in Section 31 for the 2002 irrigation season. In light of this, we have added conditions to 37-08702 and 37-08720 that require the use of surface water if it is available, prior to use of the well water.

The State of Idaho, Dept. of Lands, holds a permit for irrigation of 320 acres within Sec. 5, T7S, R15E. The proposed development is known as the Baldwin Carey Act under Permit No. 37-07372. The Department of Lands has leased this permit to Faulkner along with the land in Section 5. This permit was issued with a condition requiring a plan to mitigate injury to prior rights, prior to construction of a well and diversion and use of water under the permit. There is no mitigation plan in the file on this date. Proof of beneficial use is not required until November 1, 2004, so this permit was not considered in my overlap analysis either.

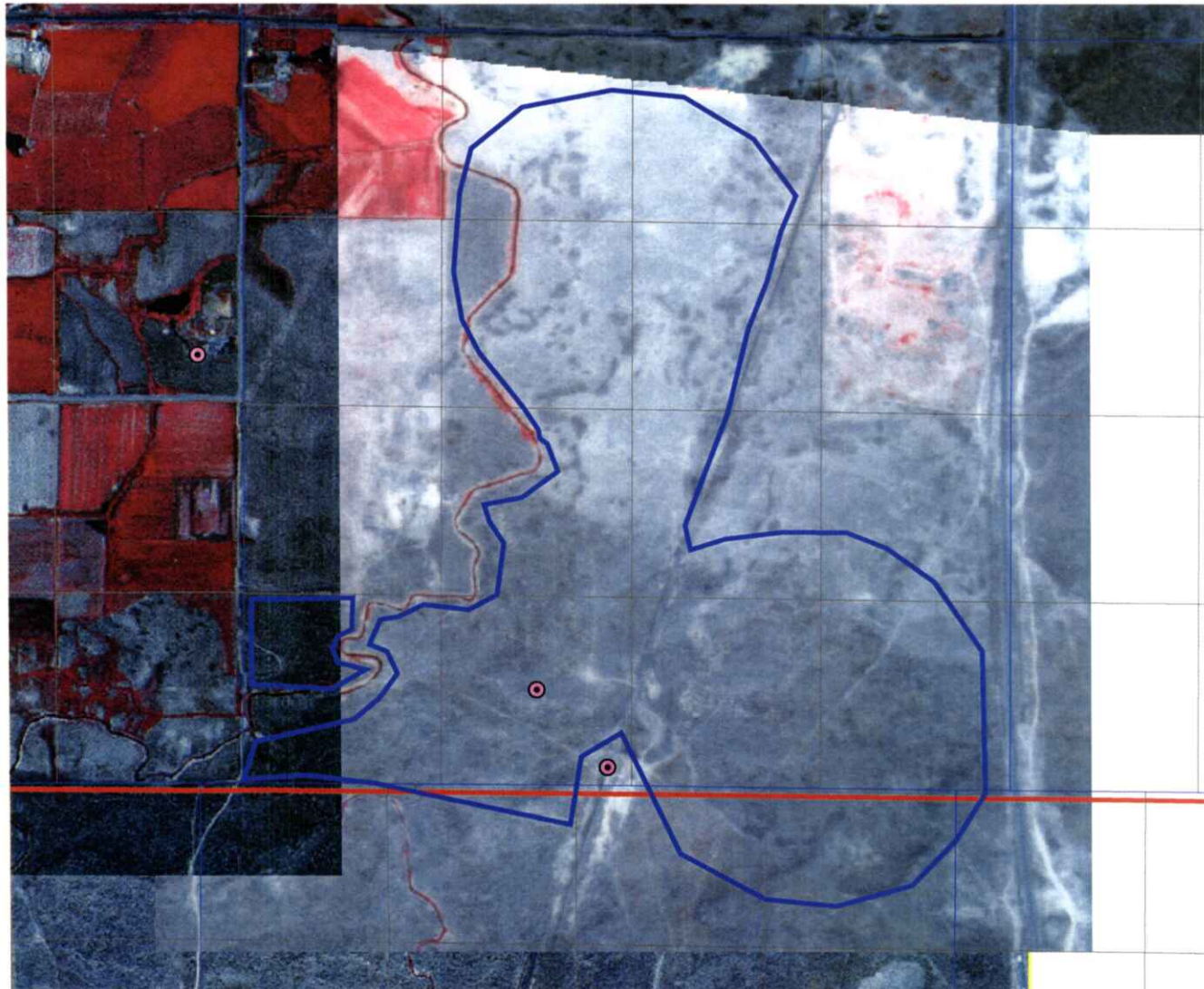
An additional note to my meeting with Tim is that Sawtooth Sheep Company is owned by Faulkner. Sawtooth Cattle Company is a separate entity and has no bearing on Faulkner water rights.

I went further in my research of rights that belong to Faulkner to see if there may be any other overlapping rights. I searched for all rights located in T6S, R15E and T7S, R15E under Faulkner's ownership. I only found Rts. 37-02514 (which is from a well in NWNE, S30, T6S, R15E for the irrigation of 160 acres within Sections 19 and 30, T6S, R15E) and 37-07242 (which is from a well in SESW, S7, T6S, R15E for the irrigation of 200 acres within S7, T6S, R15E). Neither of these rights overlap the license issued on 37-08702 or proposed license of 37-08720.

Attached is a report of all the rights mentioned above for information purposes.

37-08720

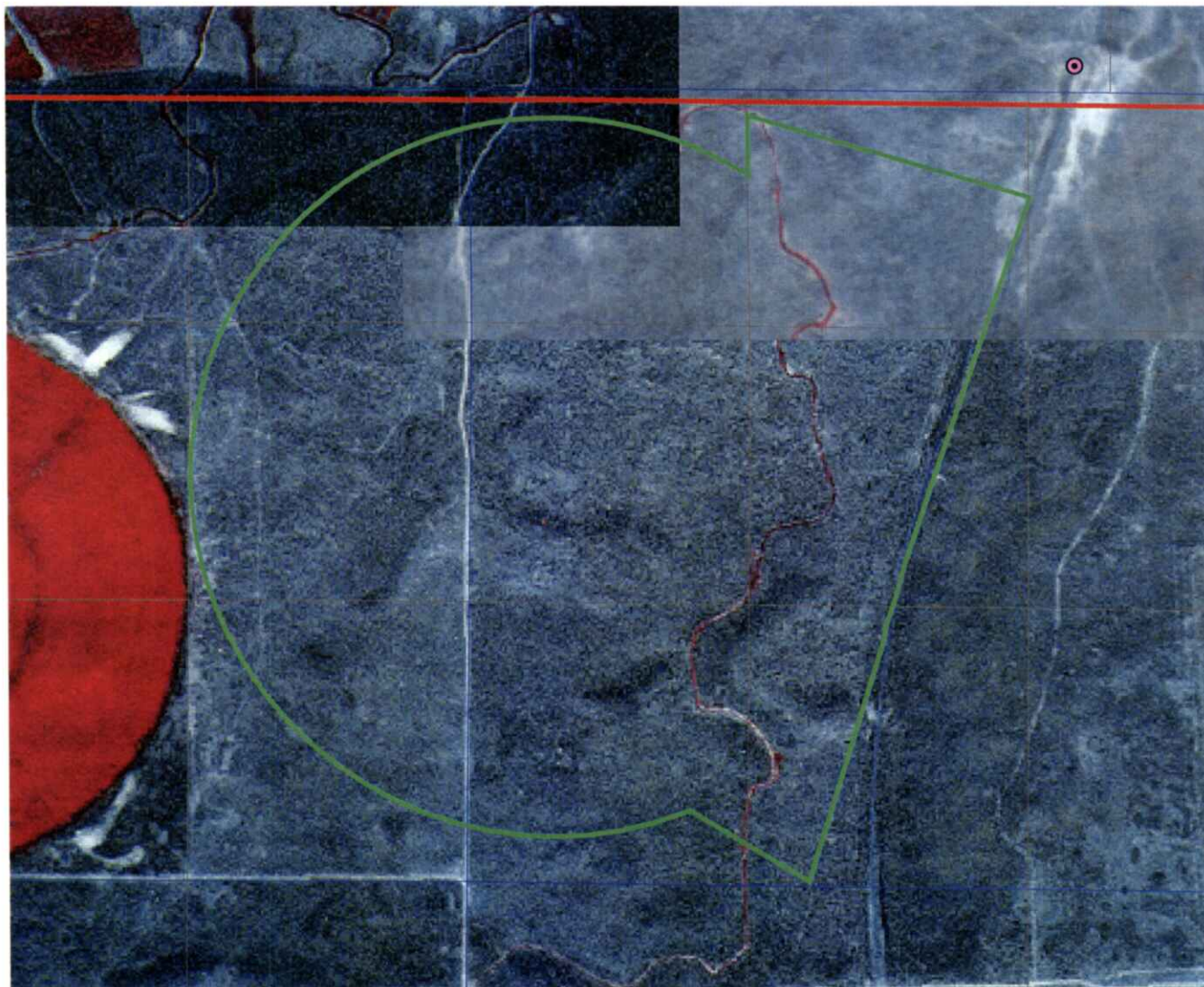
Place of Use B



- Sections
- POU-RecChecked Out POU
- GCDB07S15E GCDB
- GCDB06S15E GCDB
- GCDB06S14E GCDB
- Right POD
- Administrative Basins



37-08702 *Place of Use A*



-  POU-RecChecked Out POU
-  Sections
-  GCDB07S15E GCDB
-  GCDB06S15E GCDB
-  GCDB06S14E GCDB
-  Right POD
-  Administrative Basins

