

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: July 21, 2003

RE: PTR Inc. Additional Information for Exchange and Transfer Applications

This memo serves the PTR Inc. Application for Exchange of Water (65-3222 & 65-8290) and Application for Transfer (65-3222, 65-3223 & 65-8290). John Kane visited the office today in response to my letter of July 14, 2003, and provided additional information in this matter.

Kane provided additional information regarding the following points:

1. reason for the Application for Exchange
2. overlap at the proposed river P/D
3. injury to waterusers served by PTR system
4. more ownership details.

See the attached document provided during his visit. The document discusses the first three of the above points.

We discussed implications of changing a single system into two systems serving separate acres. Typically a water right split would be expected. That might not be needed here. PTR might be able to integrate both diversions into a single system serving the entire 161 acres (65-3222 & 65-8290) at some point in the future (financing etc. complications now). Allow the rights to remain whole at this time *with respect to the number of delivery systems to be used* (emphasis added, more later on a split for another reason). This promotes a more flexible use of the rights and probably serves the waterusers better than splitting the rights, only to recombine them if the systems are hooked together.

Kane stated the river pump is owned and presumably used by Donald Walker under Permit 65-13929. The permit serves 9 acres within the 161 acre P/U. The same land will also be covered by PTR's exchange if approved. A condition of approval in the exchange can address that overlap. Walker is a homeowner within the PTR group. It can safely be assumed the delivery organization has access to the proposed river P/D based on Kane's explanation.

Ownership information bears on the exchange and transfer applications. My letter of May 27, 2003, addressed ownership issues. Kane informed me that PTR could not produce any information showing its ownership of the four acres in SWNW & SENW Section 23 (north of Middle Fork Road). That portion of 65-3222 & 65-8290 should be split off in any approval of the exchange or transfer applications. Also, the ownership matter regarding 65-8284 is resolved since PTR owns the entire tract of SESE Section 22, not just the land under (south of) the irrigation P/U boundary in that area.

6/28/04
SEE 7/26/04 updates & ownership conclusions
MEMO
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-JR

4 Acres = PTR Inc WR owner but not land owner
65-8284 tract = ? own. ... since only irrig was
conveyed to PTR Inc.

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WATER RESOURCES
WESTERN REGION

1. The exchange was filed in order to provide a reliable flow of irrigation water to that area known as River Ranch. River Ranch is located below the Middle Fork Road and adjacent to the Middle Fork of the Payette River. The original developers of Pine Tree Ranch, Inc., provided irrigation water to River Ranch through a system of open ditch and feed pipe. The feed pipe is fed from the open irrigation ditch on the high ground above the Middle Fork Road and runs down the hill and under the Middle Fork Road and connects to an existing pressure irrigation system in River Ranch. The feed pipe is of very poor quality and is constantly breaking which shuts off the flow of irrigation water to River Ranch. The irrigation association simply does not have the money to install a new feed pipe. If the exchange is approved, the existing pump on the Middle Fork in the NESW of Section 23 will meet the needs of River Ranch, and will negate the requirement to install and maintain a costly feed pipe.
2. It is my understanding that the pump in the NESW of Section 23 currently is operating with a permit not tied to a water right.
3. There will be no injury to anyone currently using the water under Water Right 65-03222 (2.90 CFS) and Water Right 65-08290 (0.32 CFS). We will continue to divert 1.05 CFS from Scriver Creek. This will leave 2.17 CFS not diverted from Scriver Creek. Water Right 65-03223 (0.54 CFS) coupled with the 1.05 CFS will provide adequate water for all irrigators above the Middle Fork Road and north of Scriver Creek.

info submitted by John Kane for PTR Inc.