

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON *DAN*
DATE: 5/7/02

**RE: SQUAW CREEK FARMS TRANSFER, RIGHT 61-7017, 61-7186, 61-205B,
& 61-7206B**

The transfer proposes to reposition the remaining irrigation resulting from the approval of the Squaw Creek Farms Dairy transfer number 69875 to lands that will not be covered by the dairy development. The only change will be moving 20 acres in the SESE S35 to the SESW S36 in T4S R6E and not irrigating the 158 acres in the SE S35 T4S R6E associated with the dairy. This will allow 696 acres within a 776-acre permissible place of use. No new points of diversion are proposed.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 13 pages and 3 attachments. Note the location of the following application items

Attach. A – Remarks and additional information for dairy proposal (A1-A2)

Attach. B - Snake River Basin Adjudication (SRBA) map of permissible place of use for decreed water rights.

Attach. C – Warranty Deed Showing ownership of Property (B1-B2)

Steve Hannula, ERO Resources prepared the application.

Other information used in this review includes Ownership Map, Overlap Review Map, Proof Report 61-10419, Place of Use Comparison Sheets, and Point of Diversion comparison Sheet attached to this memo.

NARRATIVE

The applicant filed dairy transfer number 69875, and had 20-acres of irrigation left in the proposed dairy site. The applicant plans to move the water from the dairy site to land not covered under a water right. The applicant has supplied ample proof that the ground has been irrigated within the last 5 years in FSA reports found in transfer 69875, so forfeiture should not be an issue. The rights involved with this transfer have been partially decreed in the SRBA, so there should be no adjudication issues. The applicant supplied a warranty deed showing proof of ownership. Please see the attached map for ownership from the deed's legal description.

Squaw Creek Irrigation Memo

There are only 2 overlapping water rights for the place of use. The first overlap is an application for permit 61-7590. This is still an application and should not be considered as actual overlap. The other overlapping right is water right 61-249. This water right is an old decree from Canyon Creek. This water right was combined with several other water rights into water right 61-10419. 61-10419 was claimed in the SRBA by Mountain Home Irrigation District for use within their borders. Their borders do not overlap the place of use described in this transfer. Therefore, overlap should not be a problem.

The applicant has filed a dairy transfer 69875 and this transfer is to be approved only if the dairy transfer is approved. Upon approval of 69875 the applicant will have approximately 158 acres that will be retired from irrigation for a dairy facility. The dairy will only need 138 acres worth of appurtenant irrigation water to cover the dairies needs. Therefore, the applicant will have 20 acres that cannot be used in the current location. This transfer is to move those 20 acres to the SESW S36, where the applicant does not have any water rights covering that ground. This will allow the applicant to legally irrigate this 20-acre piece of ground. The total land being irrigated after both this transfer and the dairy transfer there will be 696 acres ground irrigated and available to be irrigated. This will allow a full allocation of water on all 696 acres of ground from one of the 4 water rights on the transfer. The applicant has put in the diversion rates and volumes for these rights as though transfer 69875 has been approved. This transfer should not be approved until transfer 69875.

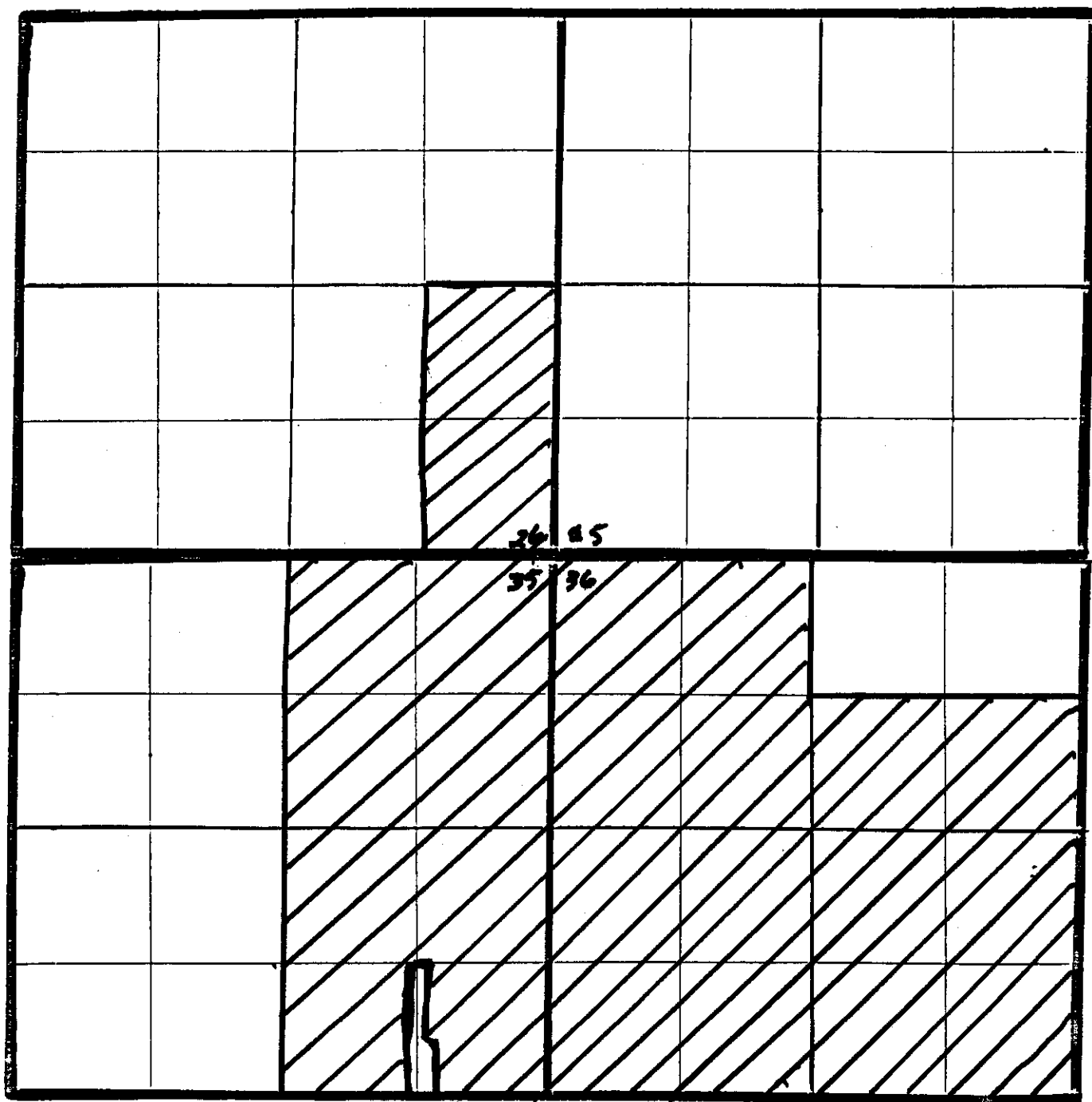
RECOMMENDATIONS

I recommend that this transfer be approved as listed on the front page of the transfer, with standard conditions. This transfer should not be approved unless transfer 69875 is approved, since this transfer assumes the other transfer will be approved.

REMAINING IRRIGATION PORTION AFTER DAIRY TRANSFER 69875 WITHIN PERMISSIBLE PLACE OF USE OF 776 ACRES

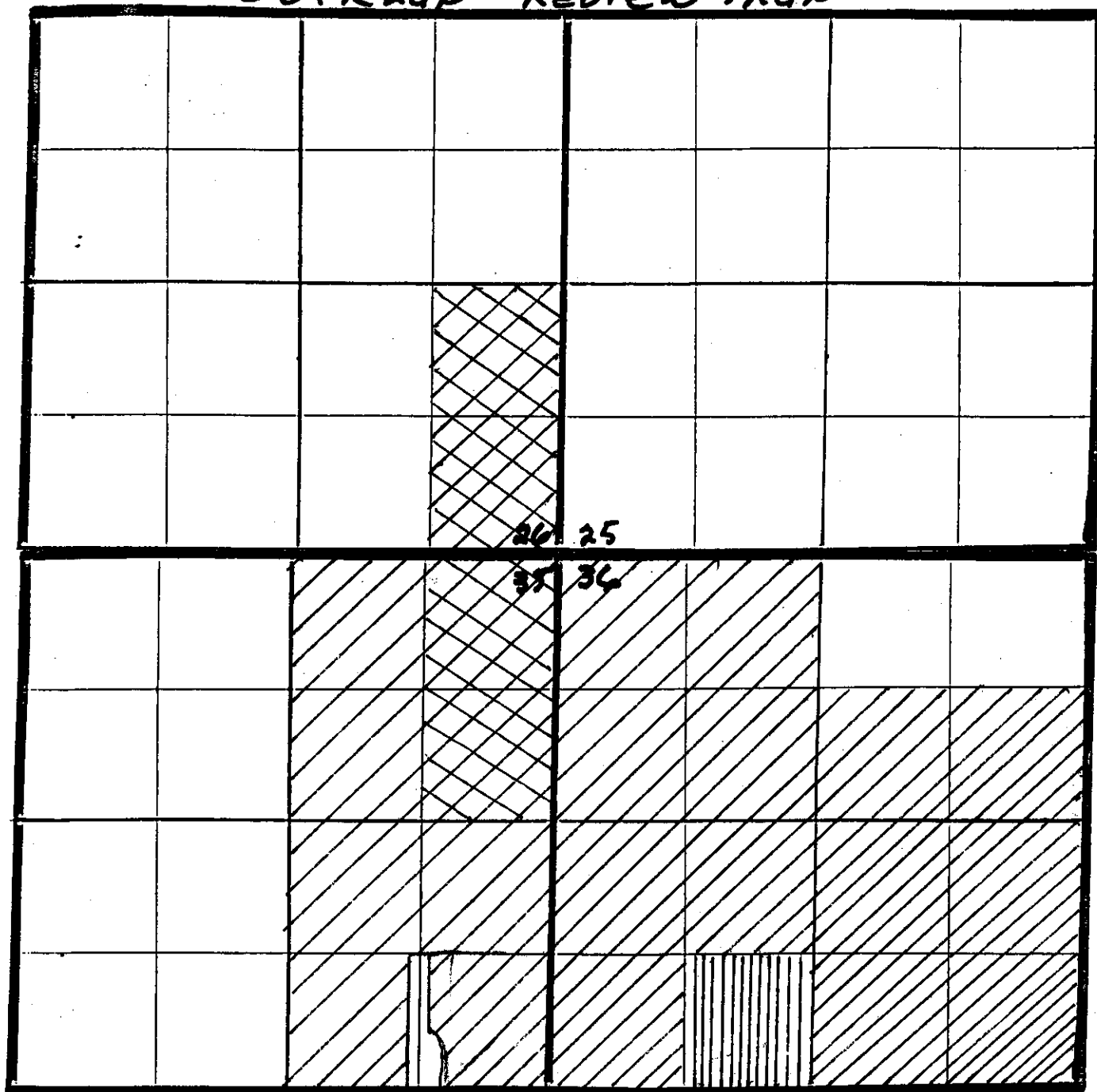
61-7017	2.59	1058.4	264.6
61-7186	2.62	524	131
61-7205B	2.67	534	133.5
61-7206B	3.34	667.6	166.9

THIS TRANSFER WAS FILED TO ADJUST THE REMAINING ACRES INTO A PERMISSIBLE PLACE OF USE THAT WILL COVER THE GROUND NOT BEING DEVELOPED INTO THE DAIRY BEING DEVELOPED UNDER TRANSFER 69875.



THIS MAP SHOWS OWNERSHIP
PER THE WARRANTY DEED.

Overlap Review Map



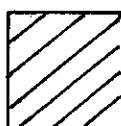
Land Described in Transfer.



Land Describe in Application for Permit 61-7590 which is on moratorium hold



Land Described under Decree 61-249. This right was combined into 61-10419 for mountain home irrig. district and moved to within their borders in SRBA



Land Described in Permissible Place of use for water rights 61-7017, 61-7068, 61-7205B, 61-72066

Please NOTE: This PROPERTY is NOT within the

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-10419 V1

WATER RIGHT NUMBER: 61-10419 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MOUNTAIN HOME IRRIGATION DISTRICT 140 S 3RD E MOUNTAIN HOME, ID 83647 (208)587-4867

Priority Date: 05/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CANYON CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION FROM STORAGE	3/15 to 11/15		8,688.00 AF
IRRIGATION	3/15 to 11/15	18.100 CFS	
IRRIGATION STORAGE	1/01 to 12/31		8,688.00 AF
	<u>Total Diversion:</u>	18.100 CFS	8,688.00 AF

Location of Point(s) of Diversion

CANYON CREEK	NE1/4NW1/4	Sec. 36, Twp 02S, Rge 06E, B.M.
ELMORE County		

Place of UseConditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 61-00258, 61-10421, 61-00263, 61-10417 61-00264 & 61-00363. THE MOUNTAIN HOME IRRIGATION DISTRICT HAS 4403.56 SHARES THAT RECEIVE WATER DELIVERED THROUGH ITS SYSTEM. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 61-00248, 61-00249, 61-00259, 61-00265, 61-00267 & 61-00268.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-10419 V1

2. General THE PLACE OF USE FOR THE MOUNTAIN HOME IRRIGATION DISTRICT INCLUDES 40 ACRES IN BASIN 63 DESCRIBED AS T01S, R09E S04, SESE THAT IS WITHIN THE BOUNDARIES OF MOUNTAIN HOME IRRIGATION DIST. THE STORAGE FACILITIES FOR THE MOUNTAIN HOME IRRIGATION DISTRICT HAVE A TOTAL CAPACITY OF 31,494 ACRE FEET. THEY INCLUDE LITTLE CAMAS RESERVOIR IN BASIN 63 WITH A CAPACITY OF 22,910 ACRE FEET, LONG TOM RESERVOIR WITH A CAPACITY OF 4340 ACRE FEET AND MOUNTAIN HOME RESERVOIR WITH A CAPACITY OF 4244 ACRE FEET. RIGHTS HAVE ALSO BEEN CLAIMED FROM SOURCES IN BASIN 63 FOR THE SAME PURPOSE OF USE AND PLACE OF USE AS THIS RIGHT. THESE BASIN 63 CLAIMS WILL BE RECOMMENDED AT A LATER DATE IN THE BASIN 63 DIRECTORS REPORT AND WILL CONTAIN COMBINED LIMITATIONS THAT INCLUDE THIS RIGHT.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7556.0 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE MOUNTAIN HOME IRRIGATION DISTRICT. COMBINED RIGHT NOS.: 61-00363, 61-10417, 61-10421, 61-00263, 61-00264, 61-00266.

Comments:

1. MSCHULTE 11/8/1998 COPIED FROM REMARKS
 Comment: THIS IS A COMBINATION OF WATER RIGHT NUMBERS A61-00249, A61-00248 A61-00267, A61-00268, A61-00259 AND A61-00265. MOUNTAIN HOME IRRIGATION DISTRICT SUPPLIES WATER FOR THE OWNER OF THE PLACES OF USE. SEE ATTACHED SYSTEM DESCRIPTION. SEE DECREE 61-A-1. AMENDED CLAIM TO INDICATE STORAGE AND APPROPRIATE ACRE-FOOT AMOUNT.

2. AJU10-JS 11/22/1998 AJU10 CONDITION UPDATE
 Comment: CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal:
 Owner Name Connector: 0
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre: 8688
 Swan Falls Trust or Nontrust: False
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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