



State of Idaho

DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

July 7, 1999

KARL J. DREHER
DIRECTOR

Charles G. Brockway
Brockway Engineering
2016 North Washington St.
Suite 4
Twin Falls, ID 83301

Dear Mr. Brockway:

You recently submitted six transfer applications in the name of Harry Rinker involving the Riverview Ranch/Peregrine Ranch property. Upon review, I would like to make the following comments for your consideration.

With regards to the surface water applications (transfers #1, #2, #3, and #4), there are several items that you may want to clarify. It appears that a reasonable amount of 36.6 acres of historical irrigation has been established on Lots 1 and 2 of Riverview Ranch, west of the highway. However, transfers #1, #3, and #4 propose irrigating 38.6 acres of ground based on the historical irrigation of 36.6 acres. It appears that the acre and water amounts on transfer #1 may need to be adjusted to 34.6 acres in order to account for the 2.0 acres that are proposed to be transferred to the Little Makawao Subdivision under transfers #3, and #4.

It appears that there also needs to be some further clarification regarding transfers #3 and #4. Both applications indicate that the acre(s) being dried up are associated with Lot 2 of Riverview Ranch. I assume you want to dry up portions of Lot 2 within the SENW $\frac{1}{4}$ of Section 32 in order to avoid potential unstacking problems with the portion of groundwater right 37-02640 west of the highway. However, some of the "Part 2s" in transfers #3 and #4 indicate that land is to be dried up in the SENW $\frac{1}{4}$ and the SWNE $\frac{1}{4}$ of Section 32. If two acres are to be dried up in the SENW $\frac{1}{4}$ to account for the irrigation proposed by transfers #3 and #4, then the map and acre descriptions for Transfer #1 should be modified to reflect the reduction of two acres of irrigation in the SENW $\frac{1}{4}$ of Section 32.

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Transfers #3 and #4 propose transferring portions of the surface water rights to property within the Little Makawao Subdivision. I believe that the Little Makawao Subdivision and the Little Makawao Channel may be located in the NESE $\frac{1}{4}$ of Section 07 (T03N, R18E), just north of the East Fork Road. If this is the case, then the legal descriptions, and the maps, for transfers #3 and #4 may need to be corrected. It would also be a good idea to identify what specific lot(s) within the Little Makawao Subdivision are proposed to be irrigated. A subdivision plat, or perhaps an aerial photo, identifying the locations of the points of diversion and the specific place(s) of use would assist the Department in processing transfers #3 and #4, and correctly identifying the proposed place(s) of use.

Transfer #2 involves the surface water rights on the Peregrine Ranch property, east of the highway. This particular application appears relatively straightforward, but I believe that the portions of the "A-Rights" should be clarified. These "A-Rights" are reflected by water right records 37-00521J, 37-00522G, and 37-00523E, which are the untransferred portions of the "A-portions" of the 1935 Osborn vs. Osborn decree. The majority of the lands covered by these "A-portions" are lands that have never been owned by Rinker or Chapman, to the best of my knowledge. In addition, it appears that you have based transfer #2 on a 50.5 acre portion of these "A-portions". Based on this methodology, it appears that the second pages of the "Part 2s" should be included as part of transfer #2 to break off Rinker's apparent portions (50.5 acres) of rights 37-00521J, 37-00522G, and 37-00523E. This would continue to leave untransferred portions of these rights recorded, and associated, with the lands surrounding the Rinker/Chapman property.

With regards to the two groundwater transfer applications, it appears that there are a couple of items that need further clarification. The first groundwater application proposes identifying, and splitting off, Mr. Rinker's portion of right 37-02640, west of the highway. Apparently, this portion of the right has been diverted out of a well located west of the highway. The exact location of this well should be identified on the map that accompanies the application.

The second groundwater application proposes identifying, and splitting off, the portion of right 37-02640 appurtenant to Lot 4 of Riverview Ranch, west of the highway. There appears to be a discrepancy between the described place of use and the place of use outlined on the map that describes this portion of the right. In addition, the location of this well is not identified on the map. It would be appreciated if you could provide the Department with any information regarding the historical use of water on this particular

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property. Items such as whether the well is existing or proposed, the irrigation practices on the property, the possible relationship between the groundwater right and any surface rights, and other items pertaining to the irrigation of this property should be addressed, if possible.

In addition, on the map describing the groundwater applications, you have identified more than 61 acres as the place of use of the remaining Rinker portion of 37-02640, east of the highway. Examination of Department records appear to indicate that water rights 37-02640 and 37-02507 (the other groundwater right associated with the Rinker/Chapman property) are independent of each other, and do not overlap. However, the Department's records do not clearly define exactly where the respective places of use associated with these two rights are located within particular 40-acre tracts. Since you have filed transfer applications involving one of these rights, 37-02640, you have the opportunity to define the locations of these respective places of use. As long as the amounts of licensed acres per 40-acre tract do not change, you could probably define the place of use for the remaining 37-02640 portion, which would also define the place of use for Rinker's portion of 37-02507, since it would be appurtenant to the remaining, licensed, acres on Rinker's property.

In summary, it appears that there are a few items that need to be considered and possibly clarified regarding the six transfer applications. However, these items should be relatively easy to address. If you would like to discuss any of these items in further detail, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner, EIT
Dam Safety Section