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JUL 16 1999

Department of Water Resources
Southern Region

July 14, 1999

Mr. Corey Skinner
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Rinker water right transfers - Riverview / Peregrine
Project No. 128-04-1999

Dear Corey:

Thank you for your letter of July 7, 1999. I am writing in response to your requests for clarification, and to provide additional and revised documents to be included with the transfer applications.

The intent of Transfer #1 was only to split off that portion of the decreed surface rights applicable to Rinker's property west of the highway, with the acreage agreed upon by IDWR based on historical usage. This amount is 36.6 acres. The 2.0 acres transferred concurrently from this land to Little Makawao will of course reduce the acreage on Rinker's land to 34.6 acres. If Transfer #1 is to reflect remaining irrigation after the 2.0 acres are moved (Transfers #3 and #4), then Part 1.B.5 of Transfer #1 should be changed to 8.3 acres in the SE1/4 NW1/4 Sec. 32 and 26.3 acres in the SW1/4 NE1/4 Sec. 32 for a total of 34.6 acres, and the acres on the map should be changed accordingly. It is imperative, however, that documentation of the fact that IDWR agreed to 36.6 acres west of the road be included with the transfer.

On Transfers #3 and #4, the 2.0 acres being moved are coming only from the SE1/4 NW1/4 Sec. 32. As you correctly note, we are avoiding an unstacking problem with the groundwater right 37-02640 by doing this. The Part 2s which list SW1/4 NE1/4 Sec. 32 are incorrect. I have enclosed a copy of the plat for Little Makawao subdivision, which indicates that the lots to which the water is being transferred are in fact in NE1/4 SE1/4 Sec. 7. Walker Monroe owns Lot 4 of Little Makawao and Don Nicholson owns Lot 2 of Gimlet West. The channel runs approximately along the boundary between the lots. This change needs to be indicated on Part 1.B of Transfers #3 and #4. I have enclosed a revised map showing the correct locations. Please note that the points of withdrawal should be specified as being from the Little Makawao channel. This is a natural channel of the Big Wood River which has no controlling works at the river, similar to the Purdum Slough. Both parties will withdraw water from the channel using small sprinkler pumps.

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With respect to Transfer #2, I agree that Part 2s should be included to show that there will be untransferred portions of the "A" rights which remain on land not owned by Rinker or Chapman. I am therefore including three Part 2s (second page only) for 37-00521J, 37-00522G, and 37-00523E.

With respect to Transfer #1GW: historically, water for irrigation west of the highway occurred only from the well east of the road. My understanding from Kelly Christensen's memo dated 4/5/95 is that groundwater was discharged into the Osborn Ditch and flowed north. This allowed the watermaster to deliver the water to other users and in exchange, water was delivered for irrigation west of the highway. More recently, the well west of the highway has been used for irrigation. I have enclosed a revised map for Transfer #1GW showing the location of the west well.

With respect to Transfer #2GW, the place of use on Part 1.B.5 and on the map appear to be consistent: 7 acres in the NW1/4 SE1/4 Sec. 32 and 2 acres in the NE1/4 SE1/4 Sec. 32 (west of highway). The location of the well cannot be specified because there is no well, to my knowledge. As I indicated to you several times previously, this part of the right is being split off for Mr. Woods only because the groundwater went with the sale of the lot. The only reason a separate transfer is being filed for this portion is that IDWR requires one transfer for each "system," and any system Mr. Woods may install will certainly be separate from any of Mr. Rinker's systems. I do not know Mr. Woods' current or future plans for his irrigation, and it is not Mr. Rinker's burden to show historical usage on a property which he does not own. Based on the licensed amounts and the historical descriptions provided by Kelly Christensen in his memos, this land apparently was irrigated from the east well.

As you note, the portion east of the highway has two non-overlapping groundwater rights applicable to it (37-02640A and 37-02507A). The intent of the transfers is to leave the acres by 40-acre tract as they are currently specified on the licenses so that all irrigation is covered by only one of the rights. There was some discussion about creating a permissible place of use for this land; however, this approach was rejected because of the problems a PPU might create with the future development of this land. In the transfer process, please ensure that a remark is placed on the water right reiterating the non-overlap with 37-02507A.

So that there is no confusion, here again are the places of use for the groundwater rights as they should appear after the transfer:

37-02640B (or another suffix – preferably "E")
(0.50 cfs / 25.0 acres west of the highway on Lots 1 and 2)
25.0 SW1/4 NE1/4 Section 32

37-02640C
(1.22 cfs / 61.0 acres east of the highway on Peregrine Ranch)
38.0 NE1/4 NE1/4 Section 32
16.0 SE1/4 NE1/4 Section 32
7.0 NE1/4 SE1/4 Section 32

37-02640D
(0.18 cfs / 9.0 acres on Lot 4, owned by Woods)
2.0 NE1/4 SE1/4 Section 32
7.0 NW1/4 SE1/4 Section 32

Please do not hesitate to call if you have any questions.

Sincerely,


Charles G. Brockway

enclosures

cc w/o encl: Harry Rinker