

MEMORANDUM

DATE: 5/29/02

FROM: Lori Graves *LG*

TO: Transfer File No. 69920

Attachments

- A. Ownership documentation of proposed P/U
- B. Ownership documentation of current P/U
- C. Warranty deeds and gift deed by which Carlos and Laura Post have conveyed away certain portions of land granted to them under Attachment B
- D. Grant of water right from Garret Post to Carlos and Laura Post conveying back that portion of the subject water right appurtenant to five acres gifted to Garrett per Attachment C
- E. Water sales agreement
- F. 1992 FSA Photo
- G. 2001 FSA Photo
- H. Consultant's Explanation Letter Dated 5/10/2002
- I. Consultant's Acre Calculations

Brief

Applicant proposes changing the P/D and P/U for a 40-acre portion of water right 63-9179A located ~1 mile NW of Middleton. He wishes to drill a new well to irrigate 40 acres within a 60-acre parcel ~3 miles N of Eagle. Applicant's consultant, Terry Scanlan, prepared the application.

History

The right was originally licensed for 303 acres in the E1/2 S36 and claimed in the SRBA for slightly fewer acres. Transfer No. 5285 was approved in 1999 for 10 acres in the S1/2SE to be transferred for dairy use elsewhere. During the review for that transfer, a total of 215.4 acres were found irrigated under water right 63-9179. 87.6 acres were found forfeited. 205.4 irrigated acres remain irrigated after approval of transfer no. 5285. Distribution of those acres was documented in the transfer analysis.

Terry Scanlan worked with the previous transfer findings and results to prepare this proposal, which was helpful for review of this transfer.

Beneficial Use

Terry provided a 2001 photo that indicates irrigation of the remaining 205.4 acres.

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Acre Distribution & Ownership

SRBA claim 63-9179C representing the remaining lands includes all the acres left on right 63-9179A plus more that were found forfeited. This claim was changed to Carlos Post's name per ownership documentation 5/21/1996. The remaining acres have recently been subdivided into nine parcels as indicated on the survey maps in Attachment C.

Applicants purchased 40 acres from the Carlos and Laura Post, who still own parcel 1 (NWSE) and parcel 7B (8 acres within the NENE). Their son, Garrett Post, owns parcel 7A (5 acres within the NENE and NWNE). Terry determined the amount of land proposed for transfer from each parcel per Attachments F, H and I. As a result, 34 acres will be transferred from the NWSE (parcel 1), leaving 1.4 acres, 6 acres will be transferred from the NENE (4.5 acres from 7B and 1.5 acres from 7A), leaving 7 acres. Remaining irrigation at the current P/U for water right 63-31494 will be 165.4 total acres.

Overlaps

Proposed P/U: Capital View Irrigation Inc. water from the Boise River covers the N1/2NW S32 in the P/U overlap search, however, the property does not appear irrigated on the 2000 Arc View Photo. Terry stated that the owner was not aware of surface water shares appurtenant to the property, which have never been delivered to his knowledge.

Current P/U: No other rights are used.

Recommendations

Split the right as filed, limited to 40 acres irrigation within a 60-acre PPU, .65 cfs and 180 afa in a single irrigation season (water right no. 63-31495).

Note the SRBA file that only 165.4 total acres remain irrigated at the original P/U as indicated on the acre distribution map included with this memo (remaining water right no. 63-31494).

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MAR 11 2003

RECORD OF SURVEY

OF A PORTION OF THE SOUTH 1/4 OF SECTION 36,
TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN
GEM COUNTY, IDAHO.

Instr. No. _____

STATE OF IDAHO }
COUNTY OF GEM }

Recorded at the request of
TTH County Surveying, Inc.

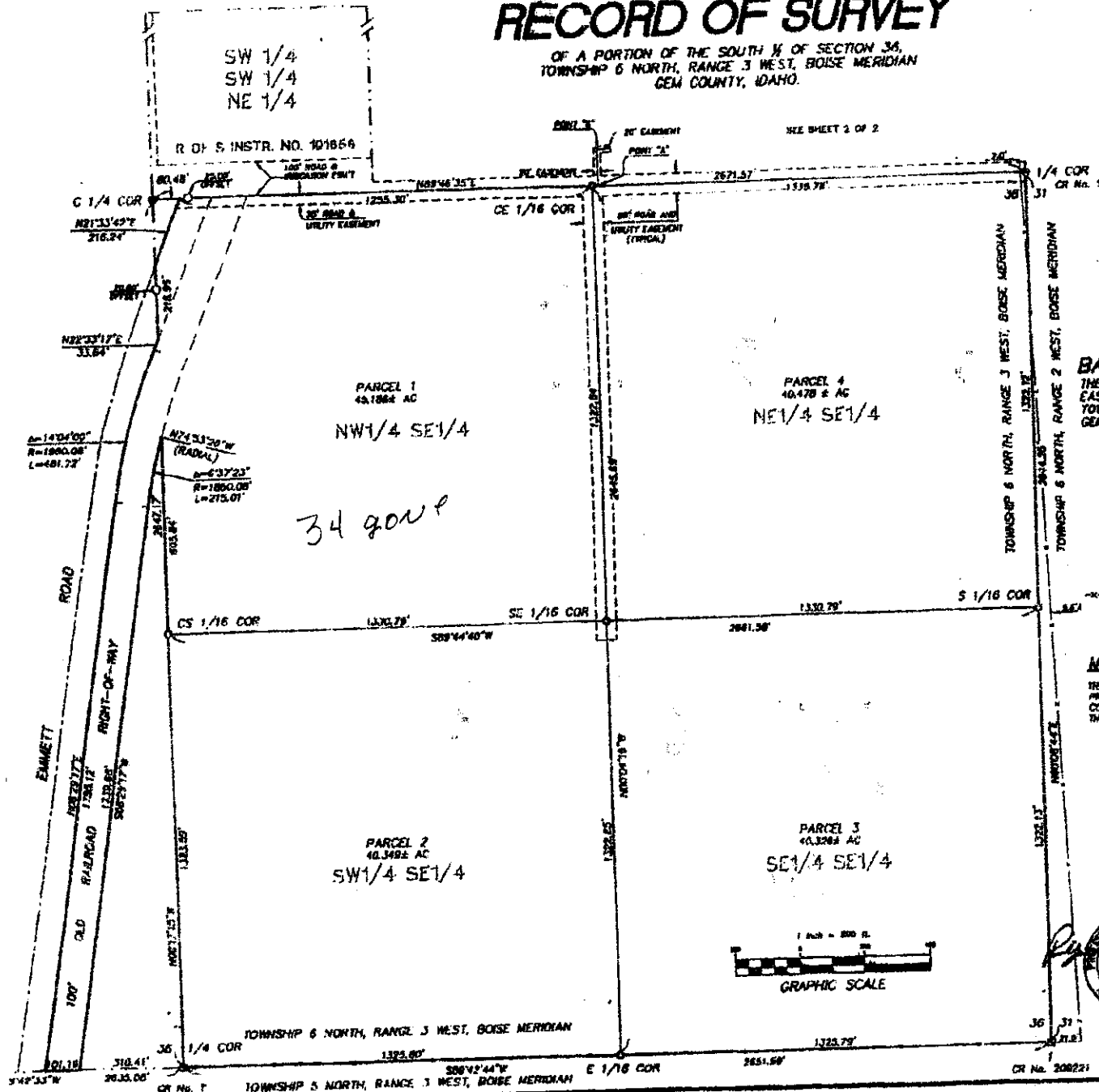
Date: _____

Instr. No.: _____

Recorded as a Survey

Sharon K. Howard, Clerk
Ex-officio Recorder

Fee: \$2.00
Deduty



BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE
EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 36,
TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
GEM COUNTY, IDAHO, I.e. N00°08'44"E.

LEGEND:

- FOUND BRASS CAP MONUMENT
- FOUND ALUMINUM CAP MONUMENT
- FOUND 5/8" IRON PIN
- ◇ SET 5/8" IRON PIN W/PLASTIC CAP PLS 6552
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- RANGED WIRE FENCE

NOTE:

TTH COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR
PRESENT OR FUTURE COMPLIANCE OR NONCOMPLIANCE WITH
COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS
THEY PERTAIN TO BUILDING PERMITS AND THE ISSUANCE THEREOF

SURVEY FOR:

CARLOS L. & LAURA E. POSI
1285 SOUTH CRANE ROAD
MIDVALE, ID 83845
(208) 355-4600

TTH COUNTY SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS
P.O. Box 974
703 N. WASHINGTON AVE.
Grandeille, Idaho 83817
Phone: (208) 365-7470
Fax: (208) 365-2880



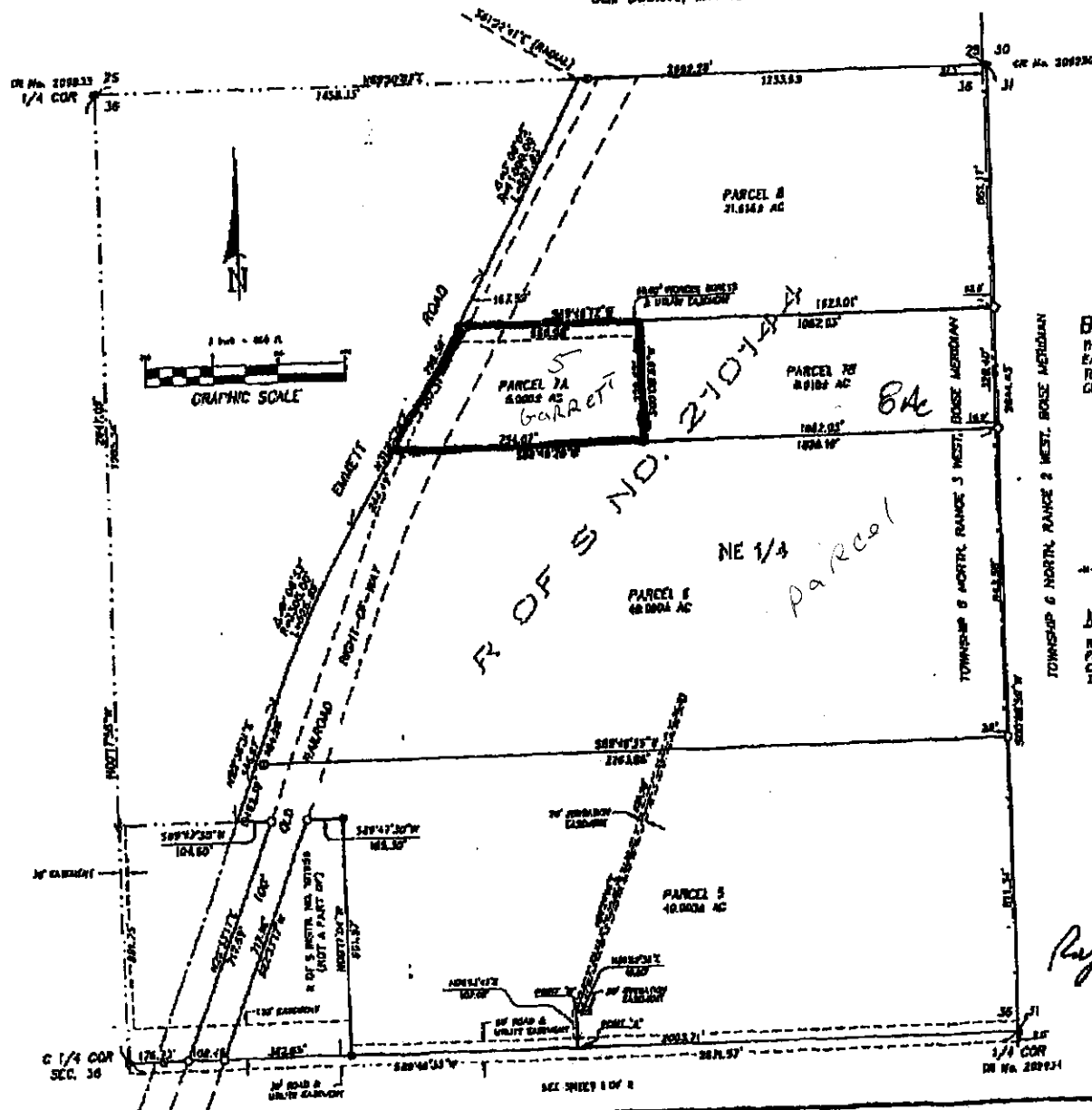
OF A PORTION OF THE NORTHEAST 1/4 OF SECTION 16,
TOWNSHIP 8 NORTH, RANGE 3 WEST, BOISE MERIDIAN
GEN COUNTY, IDAHO.

INSTRU. NO. 217138
PAGES 4 OF 4

FAX 2083653650

FIRST AMERICAN TITLE CO

023/027



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE
EAST LINE OF THE NORTHEAST 1/4 OF SECTION 35,
TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
GEN. COUNTY, IDAHO, L₂ N00°0'39"E.

LEGEND:

- FOUND 5/8" X 1/4" PIN
 - SET 5/8" X 1/4" PIN W/ PLASTIC CAP PLS 6352
 - SET 1/2" X 1/4" PIN W/ PLASTIC CAP PLS 6352
 - SET 1/2" X 1/4" PIN W/ PLASTIC CAP PLS 6352
ON A 36.00' OFFSET
- BARBED WIRE FENCE

Notes:

ANY COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR
PRESENT OR FUTURE COMPLIANCE OR NONCOMPLIANCE WITH
COUNTY PLANNING AND ZONING ORDINANCE REQUIREMENTS AS
THEY PERTAIN TO SURVEYING ACTIVITIES AND THE ISSUANCE THEREOF.

• PREPARED FOR:

CARLOS L. & LAURA E. POST
1245 SOUTH CRANE ROAD
MIDVALE, MO 63945
(208) 358-1800

TRI COUNTY SURVEYING INC.
PROFESSIONAL LAND SURVEYORS
P.O. Box 874
763 1/2 WASHINGTON AVE.
Emmett, Idaho 83617
Phone: (208) 365-7470

INDEX No. 634-36-1-0-0 JCF No. DO-071147

8" = 1 mi
1" = 660'

T 1240

T 1241

25 30

36 31

HEL

HEL

23.9

E

C

A

A = 2.00 ac
B = 1.49 ac
C = 1.49 ac
D = 0.38 ac
E = 5.61
F = 0.55

Irrigated Area =
C + E + F = 7.62

Carl Post = 8.0 - A
= 4.5

Garrett Post = T. 62 S.
= 3.1

HEL

75.2

HEL

3

44

HEL

5

20

HEL

HEL

142.6

HEL

50

36

31

C25-

COUNTY

Calculation of irrigated area for Parcels 7A and 7B

1992 FSA B&W aerial photos with approximate scale of 1 inch = 660 feet.

Irrigated and non-irrigated areas were determined based on scaling dimensions of polygons (triangles and rectangles).

Area calculations are provided below

Polygon #	area formula	width - W	height - H	area (ft ²)	area (acres)
A	WxH	265	328	86920	2.00
B	1/2 WxH	395	328	64780	1.49
C	1/2 WxH	395	328	64780	1.49
D	1/2 WxH	335	99	16583	0.38
E	(WxH)-polygon D	795	328	244178	5.61
F	1/2 WxH	198	231	22869	0.53
G	WxH (approx)	165	396	65340	1.50
Calculated Total Area					12.98
Actual Total Area					13.01

Total Irrigated Area = C+E+F = 7.62

Irrigated Area Parcel 7B = 7B Total - A - B = 8.0 - 2.0 - 1.5 = 4.5

Irrigated Area Parcel 7A = Total Irrigated - 7B Irrigated = 3.1

Total area Parcels 7A and 7B in NENE = 328 ft x 1320 ft = 9.9

Irrigated Area NENE = total area NENE - A - B - 1/3D = 6.3

Irrigated Area NWNE = total irrigated - irrigated NENE = 1.3

Handwritten calculations:

$$\frac{2}{328} = \frac{x}{460}$$

$$x = 2.8$$

Calculation of irrigated area for Parcels 7A and 7B

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4.5

Irrigated Area Parcel 7A = Total Irrigated - 7B Irrigated =

3.1

Total area Parcels 7A and 7B in NENE = 328 ft x 1320 ft =

9.9

Irrigated Area NENE = total area NENE - A - B - 1/3D =

6.3

Irrigated Area NWNE = total irrigated - irrigated NENE =

1.3