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Department of Water Resources
Southern Region

November 4, 2003

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

Re: Transfer and amended claims – Diamond A Livestock
Project No. 663-01-2003

Dear Allen:

Enclosed are three (3) amended SRBA claims and one (1) application for transfer for water rights 37-228, 37-229, and 37-2147. These rights are irrigation rights from Chimney Creek, a tributary to Camas Creek, which are used on property owned by Diamond A Livestock.

The ranch has been irrigated by gravity methods since irrigation began through the present. Water is diverted from Chimney Creek at three locations into ditches on either side of the valley. Laterals from these ditches convey water to various parts of the property and check dams are used to effect the flood irrigation.

The applicant intends to construct an additional diversion from Chimney Creek consisting of a diversion dam, off-stream irrigation storage pond, and 12" gravity pipeline. This system will supply sufficient head to allow the ranch to be irrigated by sprinklers. The new irrigation system will consist of one center pivot and hand line systems as required.

Water rights 37-228 and 37-229 are decreed rights with priority dates of 6/1/1883 and 6/1/1884, respectively. No acres are listed on the decrees. I have examined several historical aerial photos, including the 1987 infrared and more recent photos from the past three years. The photos indicate that the irrigated area has remained essentially constant through these years. The total irrigated area from the 1987 photo 257.3 acres. Water right 37-2147 is a licensed right for 30 acres that was originally appurtenant to land which is no longer irrigated. Many years ago (certainly prior to 1987), this right began to be used on the same place of use as 37-228 and 37-229 from the same system of diversions.

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Amended SRBA claims are being filed to modify the claimed acreage to reflect the historic irrigated acreage of 257.3 acres. An accomplished transfer is being asserted for all rights, but is particularly appurtenant to 37-2147.

An application for transfer is being submitted for all three rights to do the following:

1. Create a permissible place of use encompassing all of the land which may be irrigated with the new sprinkler systems. The PPU boundary is delineated on the 1987 aerial photo; the total acreage is 345.4 acres.
2. Add irrigation storage to the rights as a beneficial use and mitigate for pond evaporation by removing irrigated acres. A maximum of 22.0 acre feet of storage will be developed in the NW1/4 NE1/4 Section 27. The maximum pond area will be 2.2 acres. Based on the annual shallow pond evaporation of 34.0 inches from the NOAA evaporation atlas, the total annual evaporation will be 6.23 acre-feet. Using IDWR's consumptive use allowance of 2.5 afa, 2.5 acres of irrigation must be dried up to mitigate for the pond evaporation. Therefore, the total allowable irrigation within the PPU is being reduced from the historical 257.3 acres to 254.8 acres. This approach is conservative since it assumes the pond is full year-round.

After the transfer, water rights 37-228 and 37-229 would allow 254.8 acres within the PPU, and water right 37-2147 would allow 30.0 acres within the PPU, with the total combined irrigation being 254.8 acres. Note that the mitigation acres are being taken from the two decreed rights only, and the diversion rate for irrigation is being reduced accordingly.

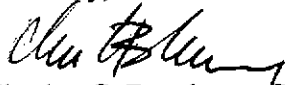
The applicant is aware that maintaining the same timing and magnitude of runoff from Chimney Creek to Camas Creek is vital to ensure that downstream storage rights are protected. The storage pond will not be utilized to capture spring runoff, but will be filled only in the non-irrigation season from the continuous spring-fed base flow in the creek. It is estimated that at least 0.5 cfs is available during the non-irrigation season. This flow is sufficient to fill the pond in 22 days. At the beginning of the irrigation season, the pond will be full and any water diverted for irrigation will go directly to the new irrigation mainline or will overflow back to the creek. In any case, it will not contribute to storage. In this manner, the runoff pattern to Camas Creek will be unchanged from the historical condition, and no downstream storage users will be affected.

Included with the transfer application is an aerial photo workup using the 1987 photo as a base. This map is appurtenant to both the transfer application and the three claims since it shows the historical irrigated acreage. Also included is a deed showing ownership of the land by Diamond A Livestock.

The application and claims have been signed by Fred Faulkner. Mr. Faulkner is the President of the corporation and is authorized to sign for the corporation. Enclosed is a certificate showing that Diamond A Livestock, Inc. is a corporation in good standing in the State of Idaho, a copy of the latest annual report for the corporation, and a limited power of attorney from Fred Faulkner to Charles G. Brockway. Also enclosed is Brockway Engineering check #4651 for \$410 to cover the application fees for 4.56 cfs. I don't believe additional fees are necessary for the claims since no additional acreage is being claimed – please let me know if otherwise.

I believe I have complied with the various requirements of IDWR relative to documentation. If there is anything else needed, please give me a call rather than returning the entire application package.

Sincerely,



Charles G. Brockway/P.E.

Enc: Amended SRBA claims (3)
Transfer application and supporting documentation

cc: Fred and Jay Faulkner