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MAY 10 2002

MEMO

FROM: Allen Merritt



DATE: May 8, 2002

TO: Transfer File No. T69603

In the name of: Richard L. Kechter

Water Right(s): 36-2363 These are combined into 422 acre PPU
 36-4200
 36-15967
 36-15969
 36-15971

 36-15966 These are unchanged portions of rights left after drying up
 36-15968 corners totaling 51 acres which was moved to the system
 36-15970 described above.

SUBJECT: Review and Recommendation

This transfer moves 51 acres worth of water rights from a farm in Sec. 16 & 17, T07S, R21E to a farm to the south in Sec. 16, T08S, R21E where it is combined with other water rights. The move is from response zone IV-3C to zone IV-3B. This needs to be reviewed by administration. No new wells are requested to be drilled.

The transfer was processed and was protested by Clear Springs Food but it was later withdrawn.

Jim Stanton has prepared shape files for both farms after the transfer. See enclosed maps.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

****Needs to be reviewed by Administration.

WATER RIGHT NO. 36 4200

083 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

W61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or

late irrigation use and a priority date earlier than the date of the SRBA partial decree date.

- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- W27 This right is limited to the irrigation of 71 acres within the place of use described above in a single irrigation season.
- W35 Rights 36-4200 and 36-2363 when combined shall not exceed a total diversion rate of 4.40 cfs, a total annual maximum diversion volume of 1484 af at the field headgate, and the irrigation of 371 acres.
- GEN Rights 36-4200, 36-2363, 36-15967, 36-15969 and 36-15971 when combined shall not exceed a total diversion rate of 4.91 cfs, a total annual maximum diversion volume of 1688 af at the field headgate, and the irrigation of 422 acres.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- K02 This right is based upon an enlargement of Right No. 36-2363 pursuant to Section 42-1426, Idaho Code.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36 2363

- W27 This right is limited to the irrigation of 300 acres within the place of use described above in a single irrigation season.
- W35 Rights 36-4200 and 36-2363 when combined shall not exceed a total diversion rate of 4.40 cfs, a total annual maximum diversion volume of 1484 af at the field headgate, and the irrigation of 371 acres.
- GEN Rights 36-4200, 36-2363, 36-15967, 36-15969 and 36-15971 when combined shall not exceed a total diversion rate of 4.91 cfs, a total annual maximum diversion volume of 1688 af at the field headgate, and the irrigation of 422 acres.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36 15967

- W27 This right is limited to the irrigation of 41.3 acres within the place of use described above in a single irrigation season.
- W61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the SRBA partial decree date.
- W35 Rights 36-15967, 36-15969 and 36-15971 when combined shall not exceed a total diversion rate of 0.51 cfs, a total annual maximum diversion volume of 204 af at the field headgate, and the irrigation of 51 acres.
- GEN Rights 36-4200, 36-2363, 36-15967, 36-15969 and 36-15971 when combined shall not exceed a total diversion rate of 4.91 cfs, a total annual maximum diversion volume of 1688 af at the field headgate, and the irrigation of 422 acres.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36 15969

- W27 This right is limited to the irrigation of 4.3 acres within the place of use described above in a single irrigation season.
- W61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water

before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the SRBA partial decree date.

- W35 Rights 36-15967, 36-15969 and 36-15971 when combined shall not exceed a total diversion rate of 0.51 cfs, a total annual maximum diversion volume of 204 af at the field headgate, and the irrigation of 51 acres.
- GEN Rights 36-4200, 36-2363, 36-15967, 36-15969 and 36-15971 when combined shall not exceed a total diversion rate of 4.91 cfs, a total annual maximum diversion volume of 1688 af at the field headgate, and the irrigation of 422 acres.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36 15971

- W27 This right is limited to the irrigation of 5.4 acres within the place of use described above in a single irrigation season.
- W61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the SRBA partial decree date.
- W35 Rights 36-15967, 36-15969 and 36-15971 when combined shall not exceed a total diversion rate of 0.51 cfs, a total annual maximum diversion volume of 204 af at the field headgate, and the irrigation of 51 acres.
- GEN Rights 36-4200, 36-2363, 36-15967, 36-15969 and 36-15971 when combined shall not exceed a total diversion rate of 4.91 cfs, a total annual maximum diversion volume of 1688 af at the field headgate, and the irrigation of 422 acres.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year

of the date of this approval.

- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- GEN This right is based upon an enlargement of Right Nos: 36-15967 and 36-15969 pursuant to Section 42-1426, Idaho Code.

The unchanged portions of rights remaining should be conditioned as follows:

WATER RIGHT NO. 36 15966

- W27 This right is limited to the irrigation of 343.7 acres within the place of use described above in a single irrigation season.
- W61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the SRBA partial decree date.
- W35 Rights 36-15966, 36-15968 and 36-15970 when combined shall not exceed a total diversion rate of 4.29 cfs, a total annual maximum diversion volume of 1696 af at the field headgate, and the irrigation of 424 acres.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36 15968

- W27 This right is limited to the irrigation of 35.7 acres within the place of use described above in a single irrigation season.
- W61 The period of use for the irrigation described in this approval may be extended to a

beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the SRBA partial decree date.

- W35 Rights 36-15966, 36-15968 and 36-15970 when combined shall not exceed a total diversion rate of 4.29 cfs, a total annual maximum diversion volume of 1696 af at the field headgate, and the irrigation of 424 acres.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36 15970

- W27 This right is limited to the irrigation of 44.6 acres within the place of use described above in a single irrigation season.
- W61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the SRBA partial decree date.
- W35 Rights 36-15966, 36-15968 and 36-15970 when combined shall not exceed a total diversion rate of 4.29 cfs, a total annual maximum diversion volume of 1696 af at the field headgate, and the irrigation of 424 acres.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of

water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

GEN This right is based upon an enlargement of Right Nos.: 36-15966 and 36-15968 pursuant to Section 42-1426, Idaho Code.

083 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.