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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Ireland Ranches

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF TRANSFER NO.
88216 IN THE NAME OF IRELAND
RANCHES

**REQUEST FOR HEARING; REQUEST
FOR INFORMAL SETTLEMENT
CONFERENCE**

COMES NOW, Petitioner Ireland Ranches, by and through McHugh Bromley, PLLC, pursuant to Idaho Code § 42-1701A(3) and IDAPA 37.01.01.101, and hereby requests a hearing before the Idaho Department of Water Resources ("IDWR" or "Department") in the above-captioned matter, and an informal settlement conference prior to commencement of said hearing.

On April 4, 2024, IDWR issued its *Preliminary Order* approving *Transfer Application No. 88216* ("Transfer") signed by Cody Parker, Water Rights Supervisor. A purpose of the *Transfer* was to address the place of use for water right nos. 61-246, 61-247, 61-253, 61-7034, 61-7171, and 61-10429, through creation of a 401-acre permissible place of use.

SUPPORT DATA

IN FILE # 61-246

Water right nos. 61-246, 61-247, 61-253, and 61-10429 are surface water rights from Canyon Creek that were partially decreed in the Snake River Basin Adjudication ("SRBA") for the irrigation of 283.3 acres. Water right nos. 61-7034 and 61-7171 were partially decreed in the SRBA for irrigation of 165 acres and 118 acres respectively.

In the *Transfer*, and as to water right no. 61-7034, the Department included the following condition:

This right with the rights listed below is limited to the irrigation of a combined total of 165 acres in a single irrigation season. Combined right nos. 61-00246, 61-00247, 61-00253 & 61-10429.

The above-condition was partially decreed by the SRBA district court in substantially the same form as is described in the *Transfer*.

The *Transfer* also included the following condition for water right nos. 61-7034:

This right is limited to the irrigation of a specific 165 acres within the 401-acre place of use authorized by this right in a single irrigation season. The specific 165 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 165 acres to be irrigated within the 401-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

As to water right no. 61-7171, the *Transfer* includes a condition that is identical to the above-condition, other than substituting 118 acres for 165 acres; neither of the conditions were included in the SRBA partial decrees.

According to an April 2, 2024 *Memorandum* prepared by Mr. Parker, the condition means: "If groundwater authorized by right 61-7034 is used for irrigation, then the Canyon Creek water rights are limited to 165 acres rather than 283.3 acres." Emphasis added. The interpretation is inconsistent with the SRBA partial decree for water right nos. 61-7034, use and

history of the right, and is nonsensical since it results in preseason curtailment of surface water rights by 118.3 acres when the right holder perceives that groundwater might need to be used at some point during the irrigation season, even if groundwater is ultimately not pumped. The correct and proper interpretation of the condition is that if water right no. 61-7034 is exercised, it may only be used on 165 acres during the irrigation season and does not result in preseason curtailment of surface water acres.

Ireland Ranches hereby requests a hearing, including but not limited to, the combined use issue identified above.

Before the hearing in the above-captioned proceeding occurs, and consistent with IDAPA 37.01.01.101, Ireland Ranches requests that informal proceedings be scheduled in order to allow the water right holder and the Department an opportunity to resolve the matter without hearing. Informal proceedings are justified in this case because Ireland Ranches has determined that groundwater will not be needed this year, meaning there is no exigency to resolve the above-captioned proceeding before the start of the irrigation season.

DATED this 16th day of April, 2024.



Chris M. Bromley
McHugh Bromley, PLLC
Attorneys for Ireland Ranches

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 2024, I served a true and correct copy of the foregoing document on the person(s) whose names and addresses appear below by electronic service:

IDAHO DEPARTMENT OF WATER RESOURCES
PO Box 83720
Boise, ID 83720
file@idwr.idaho.gov

/s/ Chris M. Bromley
CHRIS M. BROMLEY