

Cefalo, James

From: Cefalo, James
Sent: Tuesday, May 14, 2024 10:31 AM
To: Rob Harris
Cc: Mike Telford
Subject: RE: Sunset Water Right POU

Rob,

I have finally found some time to update map shapes for permissible places of use. As I went to update the irrigation shape for Sunset Farm & Ranch, I discovered an error in Transfer 83745 (approved in February 2021). The permissible place of use described in the application included 15 acres in the NWSW of 17. Those 15 acres should have been in the SESW of Section 17. I didn't catch that error when I reviewed the application, so the approval matched the application. The shape you provided also has a slight discrepancy in the NESW of Section 8 and the SWSE of Section 17. The proposed map exceeds the permissible place of use acreage by a few acres in each QQ. All these issues can be corrected with a slight adjustment to the permissible place of use.

Feel free to file an application for transfer rearranging or expanding the permissible place of use. That type of transfer application does not require public notice and can be approved quickly. I am not concerned with Sunset's proposed plan of operations for 2024. Sunset can proceed with irrigating under that plan. We just need to get the permissible place of use adjusted before I can update the map shapes.

Feel free to call if we need to discuss.

 IDAHO DEPARTMENT OF
WATER RESOURCES
James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

From: Rob Harris <rharris@holdenlegal.com>
Sent: Wednesday, March 27, 2024 9:13 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Cc: Mike Telford <telfordsunvalleyseed@gmail.com>
Subject: Sunset Water Right POU

James:

This email is a follow up our call from a few days ago on the Sunset water right POU and the Larry Quist water rights. I think there may be some confusion because of a water supply bank rental that covers a part of the POU, back and forth with Larry on possible lease of his water rights in 2023, and my failure to provide an updated shapefile for the 442 acre POU after I received confirmation of a WSB rental in September of 2023.

Attached are maps from the WSB Rental application I submitted that depicts how the acres were intended to be shifted around after the WSB rental. We didn't want to put the rental on the south pivot because there was still a chance that Larry would lease his water rights to Sunset, but eventually he did not because it was difficult for Sunset to move forward on yearly leases (the water rights were leased up until 2022). For that reason, we had the place of use for the WSB rental cover ½ of a Sunset pivot, which is depicted in blue outline on the maps. With the WSB Rental, Sunset can irrigate

WATER RIGHT NO. 34-195D**As Modified by Transfer No. 83745**

In accordance with the approval of Transfer No. 83745, Water Right No. 34-195D is now described as follows:

Right Holder: SUNSET FARM & RANCH LLC
1450 W HIGHWAY 24
PAUL, ID 83347-8666

Priority Date: 6/1/1888

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From 5/01 **To** 10/15

Diversion Rate
0.330 cfs
0.330 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWNESW Sec 17 Twp 03N Rge 27E BUTTE County
BIG LOST RIVER NWNWNW Sec 26 Twp 04N Rge 26E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	27E	8	1.0	35.0	17.0	20.0			30.0	30.0	31.0	32.0			38.0	33.0	3.0	5.0	275.0
03N	27E	9						32.0											32.0
03N	27E	17	30.0	33.0	33.0	32.0					19.0	15.0			33.0	39.0	37.0	34.0	305.0

Right Acre Limit: 16.5
POU Total Acres: 612.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.5 acres within the authorized place of use in a single irrigation season.
2. Rights 34-187A, 34-195D, 34-196C, 34-2480B and 34-2491G when combined shall not exceed a total diversion rate of 3.36 cfs.
3. Water rights 34-187A, 34-195D, 34-196C, 34-2277, 34-2480B, 34-2491G, 34-4002, 34-14770, 34-14771, 34-14772 and 34-14773 are limited to the irrigation of a specific 442 acres within the 612 acre place of use authorized by this right in a single irrigation season. The specific 442 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 442 acres to be irrigated within the 612 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.

Transfer No. 83745

Cefalo, James

From: Rob Harris <rharris@holdenlegal.com>
Sent: Wednesday, March 27, 2024 9:13 PM
To: Cefalo, James
Cc: Mike Telford
Subject: Sunset Water Right POU
Attachments: 2024 Updated POU Map.pdf; RE: WSB Lease Contract of Rights 34-7205 & 34-14347 - Lost River Farms; Maps from Lost River Farms Water Supply Bank Rental.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

James:

This email is a follow up our call from a few days ago on the Sunset water right POU and the Larry Quist water rights. I think there may be some confusion because of a water supply bank rental that covers a part of the POU, back and forth with Larry on possible lease of his water rights in 2023, and my failure to provide an updated shapefile for the 442 acre POU after I received confirmation of a WSB rental in September of 2023.

Attached are maps from the WSB Rental application I submitted that depicts how the acres were intended to be shifted around after the WSB rental. We didn't want to put the rental on the south pivot because there was still a chance that Larry would lease his water rights to Sunset, but eventually he did not because it was difficult for Sunset to move forward on yearly leases (the water rights were leased up until 2022). For that reason, we had the place of use for the WSB rental cover ½ of a Sunset pivot, which is depicted in blue outline on the maps. With the WSB Rental, Sunset can irrigate a total of 496.9 acres. I didn't get the official word from the WSB until September of 2023 (see attached email) that it was approved, and I wasn't sure how to proceed with Larry's water rights appurtenant to the south pivot. At that time, I should have updated the POU, but didn't do so, and apologize for any confusion.

To avoid any confusion moving forward, attached is a map that depicts the original 442-acre POU and a new 442-acre POU that we are submitting in compliance with the conditions of the prior transfer that created the PPOU. The two small pivots that are no longer covered will be irrigated with BLRID storage water. In a separate email, I will email you the shapefile for the updated 2024 POU.

If it would be helpful to have a call to discuss, let me know.

Because of the attachments, please confirm that you received this email.

Thanks,



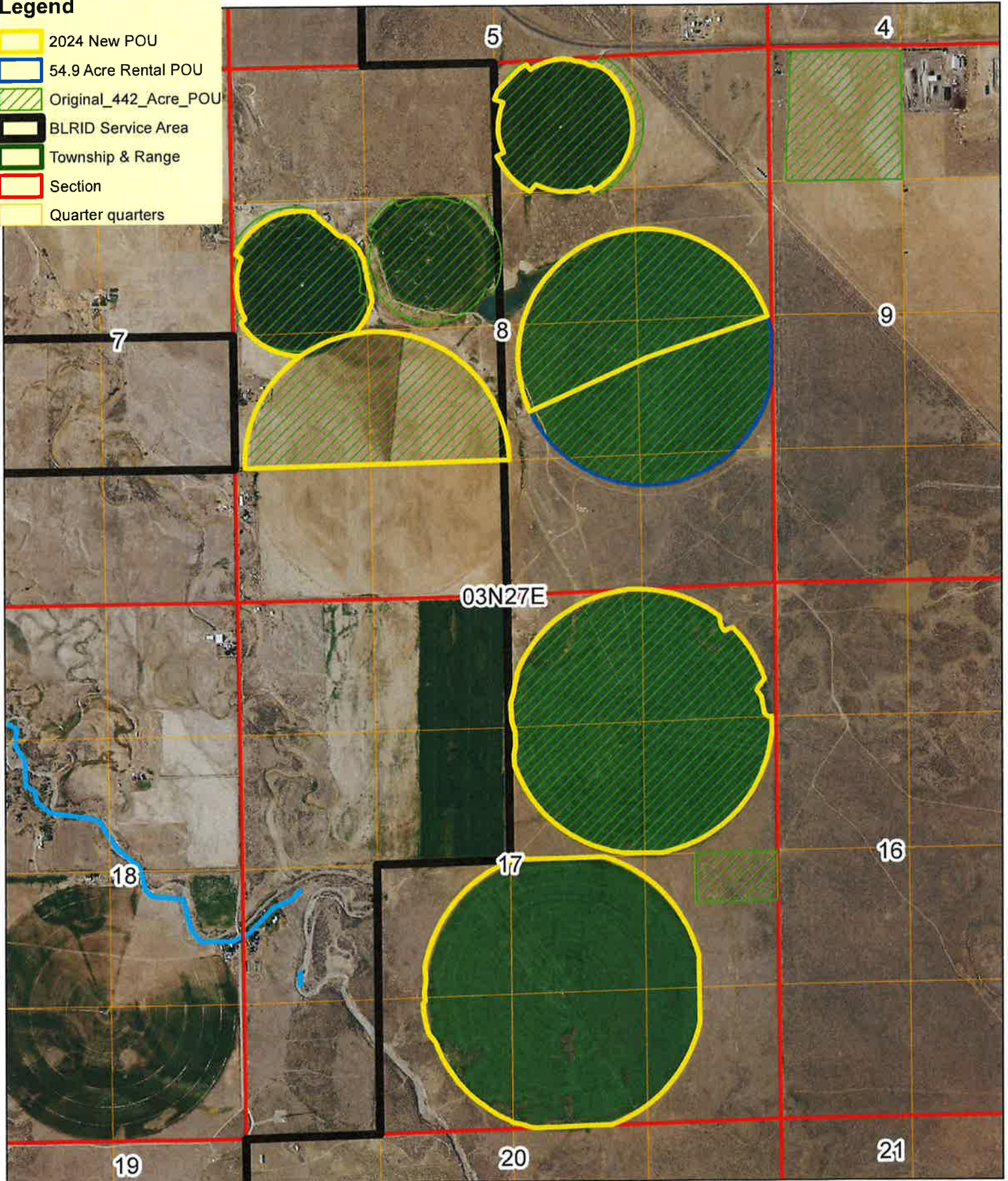
Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

REVISED 442 ACRE POU



Legend

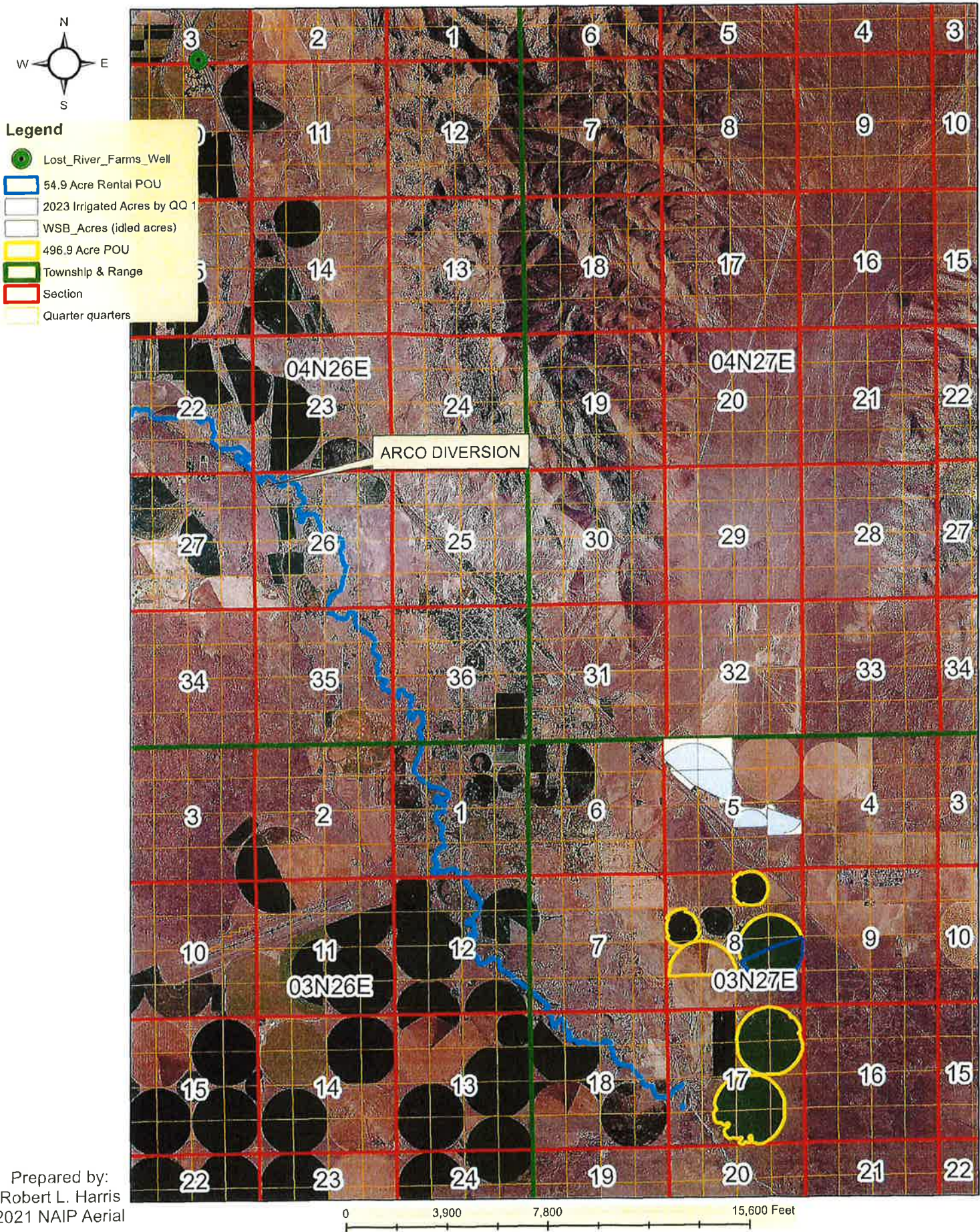
- 2024 New POU
- 54.9 Acre Rental POU
- Original_442_Acre_POU
- BLRID Service Area
- Township & Range
- Section
- Quarter quarters



Prepared by:
Robert L. Harris
2021 NAIP Aerial

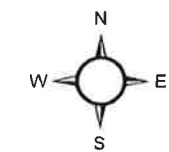
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WATER SUPPLY BANK



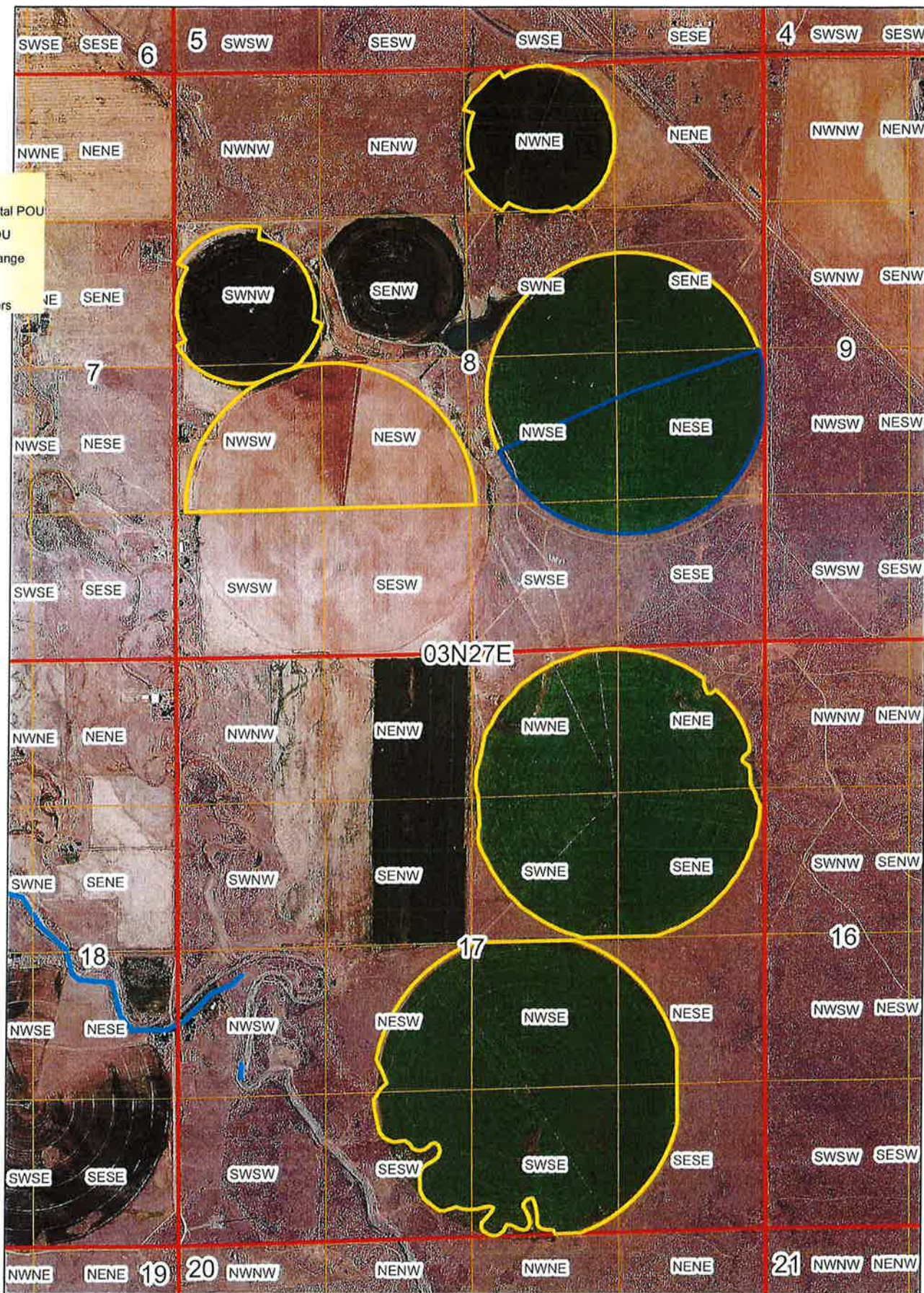
Prepared by:
Robert L. Harris
2021 NAIP Aerial

WATER SUPPLY BANK



Legend

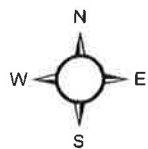
- 54.9 Acre Rental POU
- 496.9 Acre POU
- Township & Range
- Section
- Quarter quarters



Prepared by:
Robert L. Harris
2021 NAIP Aerial

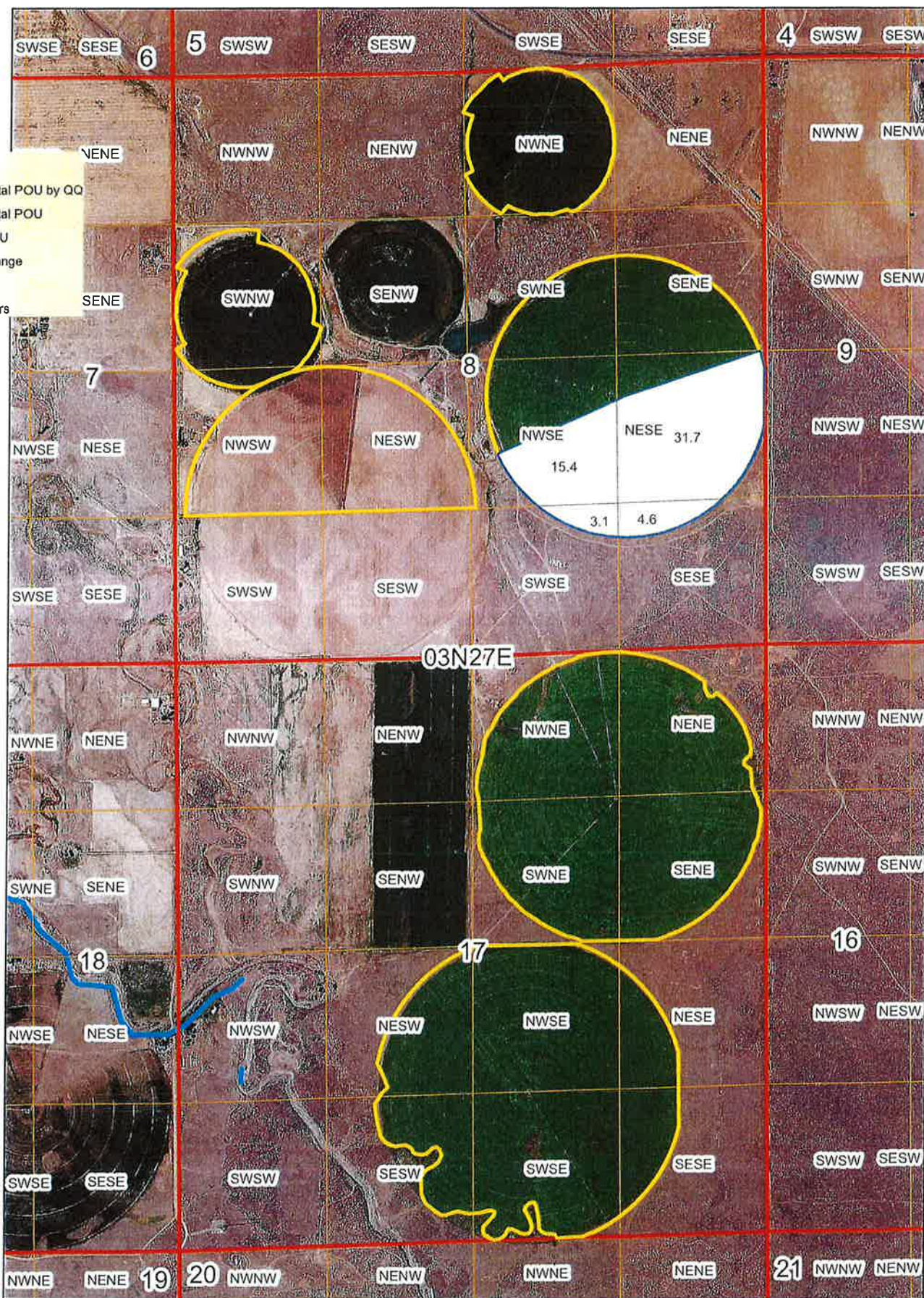
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WATER SUPPLY BANK

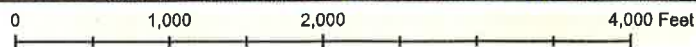


Legend

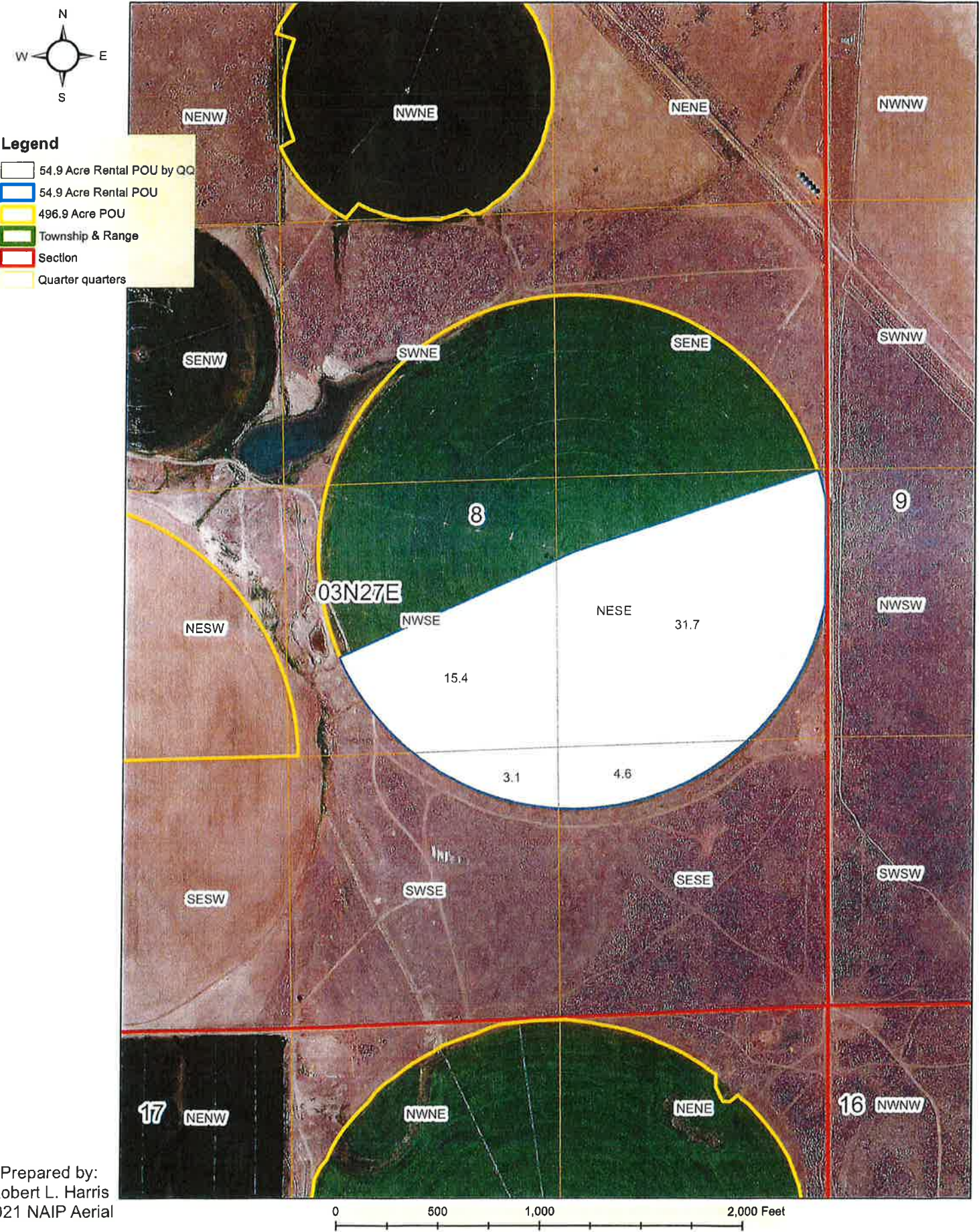
- 54.9 Acre Rental POU by QQ
- 54.9 Acre Rental POU
- 496.9 Acre POU
- Township & Range
- Section
- Quarter quarters



Prepared by:
Robert L. Harris
2021 NAIP Aerial



WATER SUPPLY BANK



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2021 NAIP Aerial