

MEMORANDUM

TO: water rights 61-246, 61-247, 61-253, 61-7034, 61-7171, 61-10429
FROM: Cody Parker
RE: Analysis of combined limits for water rights involved in transfer 88216
DATE: January 18, 2024

Below is a summary of the water rights and combined limits prior to approval of transfer 88216:

WR	Priority	Source	Rate	Vol	Acres	Group 1	Group 2
61-246	03/01/1876	Canyon Creek	1.2	NA	283.3	x	x
61-247	06/01/1876	Canyon Creek	1.0	NA	283.3	x	x
61-253	04/01/1884	Canyon Creek	1.0	NA	283.3	x	x
61-7034	05/13/1968	Ground Water	2.91	742.5	165		x
61-7171	05/16/1985	Ground Water	1.55	499.5	118		
61-10429	03/31/1885	Canyon Creek	2.47	NA	283.3	x	x
Group 1 Limit					283.3		
Group 2 Limit					165.0		

Partial decrees for all six water rights were issued on October 26, 2000. The four Canyon Creek water rights, when combined, are limited to 283.3 acres of irrigation (represented as Group 1 above). However, when you add water right 61-7034 to Group 1 (which is represented by the limit shown as Group 2) the total irrigation authorized is only 165 acres. Somehow adding the use of 61-7034 has the net effect of reducing the total authorized irrigation by 118.3 acres.

Clearly the two combined limits aren't logically consistent. These conditions were included on the decrees for these water rights, and the transfer process is not the appropriate avenue for contesting a decree. Therefore, when processing this transfer, we assumed that Group 2 is true since it is the most limiting condition. To make the condition more intuitive, we added water right 61-7171 to Group 2 (118 acres) so that all six water rights, when combined are limited to the irrigation of 283 acres.

MEMORANDUM

TO: Transfer No. 88216
FROM: Blake Burkard
DATE: December 7, 2023
RE: Evaluation of Application 88216

The transfer proposes to create a combined/permissible place of use for water rights 61-246, 61-247, 61-253, 61-10429, 61-7034, and 61-7171. The application also proposes listing both ground water PODs on both ground water irrigation rights. The site is The site is approximated 1.5 miles northeast of exit 90 of I-84, along both sides of Canyon Creek Rd.

Summary of Information Submitted

Authority to File:

Calvin Ireland filed the transfer application on behalf of Ireland Ranches, the owner of the water rights. After searching the Secretary of State website and Google for Ireland Ranches, it was evident that the company name has never been an established business. Ireland Ranch is a registered LLC, but Calvin is not a representative (Ireland Ranch is a business of a cousin of Calvin). A conversation with Calvin revealed that the family, especially his father, Roy, had used the name "Ireland Ranches" informally for various business practices.

The water rights were decreed as owned by Ireland Ranches, with care of (C/O) Roy Ireland, Calvin's father. The Ireland family has collectively owned the place of use for the water rights, and Calvin has for a long time been the owner/operator of the farming operations. However, there are no legal documents that point to the conclusion that Calvin can exclusively act as a representative for the water rights.

To establish authority to file, the Department has advertised the transfer and in addition, sent comment letters to the other family members listed on the deed for the places of use. Since no protests or responses were received, it is determined that Calvin has authority to file.

Water Right Validity:

Water right no(s). 61-246, 61-247, 61-253, 61-10429, 61-7034, and 61-7171 are presumed to be valid because they have been used in the last five years. The applicant may have been made aware of their need to file a transfer because the water rights have been used outside of their authorized places of use.

Injury to Other Water Rights:

As this transfer only proposes a permissible place of use and the sharing of ground water points of diversion between two water rights that have historically been used together, there are no injury concerns.

Enlargement of Use:

The quantities of the water rights will not be exceeded or enlarged by this transfer.

Local Public Interest:

Creating a permissible place of use for these rights are not a local public interest concern. As previously mentioned, the advertising of this transfer yielded no concerns from the public or other stakeholders. No response from a watermaster was recorded, either. For these reasons, this application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

A permissible place of use allows for crop rotation, which benefits soil health and leads to a better harvest. The other changes proposed should not affect the water source. The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Water Right Overlap

The 6 rights associated with this transfer are also used in conjunction with water from Mountain Home Irrigation District. The sum of the surface water rights is 5.67 cfs, which is 0.01 cfs greater than the standard rate of 0.02 cfs per acre for 401 acres, which is the proposed acre limit for these rights. As surface water is not likely to be available for the whole season, I would guess that the ground water rights are used to supplement the surface water. There are no overlap concerns.

If approved the following changes should be made to the conditions of the water rights:

- Update condition C18 to T19

- Remove C15

- Add R05

- Add X27 and 206 to define PPU

- Add F06 to surface and ground water rights separately

- Add R43

- Add X35 to define the combined use limit

- Add standard transfer conditions T07 and T08



IDAHO DEPARTMENT OF
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Governor Brad Little

Director Mathew Weaver

August 25, 2023

CALVIN IRELAND
153 NE AKE DR.
MOUNTAIN HOME, ID 83647

RE: Transfer 88216

Dear Calvin Ireland,

On July 12, 2023, the Department received a transfer request proposing a 401-acre permissible place of use for water rights 61-246, 61-247, 61-253, 61-10429, 61-7034, and 61-7171. The water rights were decreed in 2000 in the Snake River Basin Adjudication (SRBA) in the name of Ireland Ranches. After reviewing the transfer, it was determined that the Department would need documentation showing you have authority to file for a transfer on behalf of Ireland Ranches.

The Department requires documentation of who owned the land being irrigated under water rights 61-246, 61-247, 61-253, 61-10429, 61-7034, and 61-7171 from the date of the original licenses and/or claims up to today. Our records show that water right 61-7034 was licensed in 1974, so any deeds from that point on would be useful.

Water rights 61-246, 61-247, 61-253, 61-10429, 61-7034, and 61-7171 were decreed on October 25 and October 26, 2000. If Ireland Ranches did not own the property at the time of the decrees for water rights, the SRBA severed the water right from the land based on a Supreme Court ruling that the ownership determination in a water right decree supersedes all claims of ownership based on actions pre-dating the decree. In that case, the Department needs documentation showing how the water rights, separate from the land, were conveyed to you.

If you have any questions, please contact me at (208) 287-4870 or blake.burkard@idwr.idaho.gov.

Regards,

Blake Burkard
Engineer Intern