

Cefalo, James

From: Cefalo, James
Sent: Thursday, March 10, 2022 3:03 PM
To: Kristin Moore; evan.steel1@gmail.com
Subject: Application for Transfer 85706 (Steel)

Kristin,

This email is intended to make you aware of concerns with Application for Transfer 85706. Application 85706 proposes to change the point of diversion and place of use for a 16.4-acre portion of water right 35-7443. Water right 35-7443 currently authorizes the diversion of 5.07 cfs (2,275 gpm) and the irrigation of 765 acres. The water right is not sufficient to irrigate all the authorized acres at once. In fact, assuming a diversion rate of 0.015 cfs/acre for sprinkler irrigation, the right is only sufficient to irrigate about half of the authorized acres at once. The transfer application addresses the diversion rate deficiency for the portion of the right proposed to be transferred. Mr. Steel proposes to reduce the irrigated acres by 45% to improve the rate per acre ratio. The transfer application does not address the diversion rate deficiency for the remaining portion of the right.

We have conducted a detailed review of measurement and power consumption records for water right 35-7443 and have found that the water right holder (Norman Nef & Sons Inc.) regularly exceeds the authorized diversion rate for water right 35-7443 for at least a portion of the irrigation season. Given Nef's existing irrigation system and current irrigation practices, it appears that there is no available diversion rate to transfer off the property. I am concerned that approving the proposed change will result in an enlargement in use under water right 35-7443. Stated differently, if Nef continues to irrigate as they have in the past twenty years, exceeding the authorized diversion rate for a portion of the irrigation season, and additional rate is diverted at the proposed place of use, there will be an enlargement in the use of water right 35-7443.

If the transfer is approved, to prevent enlargement of water right 35-7443, the Department would impose conditions on the remaining portion of right (the portion remaining on the Nef property). One option would be to require Nef to install and maintain a flow meter and data logger to track the instantaneous diversion rate of their system throughout the irrigation season. Data collected would be provided to IDWR by Nef every year. Another option would be to adopt a new volume limit for the right, based on the maximum number of days per year the system has operated (over the last twenty years) and the authorized diversion rate. I just ran some rough calculations based on the highest diversion volume year (2013). The new volume limit would likely be approximately 850 acre-feet (86 days x 4.97 cfs x 1.9835). Both options would constitute a new burden on Nef's right.

Before proceeding with the transfer approval, I wanted to make sure that Nef is aware of the changes that might be made to water right 35-7443 if Transfer 85706 is approved. I don't have an email address for Nef, so a copy of this email has been mailed to Nef at their address of record with the Department. Please contact me with any questions or concerns by March 25, 2022.

James

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