

MEMORANDUM

Date: April 12, 2022
To: Transfer 85706
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This application proposes to change the point of diversion and place of use for a 16.4-acre split portion of water right 35-7443. The transferred portion will be consolidated at proposed place of use to irrigate 8.9 acres. Ownership of the split portion will be updated after transfer approval. The rate of diversion and volume for the 16.4 acres but will be consolidated onto 8.9 acres, bringing the volume up to 4 AF/Acre with a flow rate of 0.11 cfs.

Authority to File:

Application included a contract for Rocky Mountain Water Exchange to purchase up to 54.8 acres of water right 35-7443 from Norman E Nef & Sons, Inc. Option contract was signed by David N. Nef identified as the president of Norman E Nef & Sons, Inc. and Roger Warner as partner of Rocky Mountain Water Exchange, LLC. Application also included a contract of sale of 16.4 Acres of the same water right from Rocky Mountain Water Exchange, LLC to Evan Steel and Kirstie Steel, the transfer applicants. David N. Nef has signed other water right documents on behalf of Norman E Nef & Sons Inc. The applicants have demonstrated authority to make the proposed changes.

Water Right Validity:

The water right was decreed in the SRBA in 2002. Review of 2021, 2017, 2013, 2011, 2010 and 2006 aerial photography shows green and growing vegetation on the current place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed change. ESPA transfer tool was used and showed that the proposed changes will not result in an increase of 2 af per trimester for any reach of the Snake River.

Enlargement of Use:

On March 10, 2022, I notified the applicant of an enlargement concern related to the remaining portion of the right. Water right 35-7443 is very light on diversion rate. It only authorizes 5.07 cfs for the irrigation of 765 acres. This equates to 0.0066 cfs per acre (less than 1/2 of a full water supply). Based on a review of measurement records from Water District 120, Nef & Sons has exceeded the authorized flow rate in the past. It appears that Nef & Sons does not have any rate to transfer. In 2018, Nef & Sons installed a variable frequency drive on the point of diversion for water right 35-7443 to allow the company to better manage the flow rate. The diversion data from 2018 forward shows that Nef & Sons diversion rate is very close to the authorized rate (5.07 cfs). If the transfer were approved (an even if the transfer were not approved) Nef & Sons can only irrigate approximately half of the acres at a time.

In response to my correspondence about potential enlargement in use under water right 35-7443, Rocky Mountain Environmental and Nef & Sons Inc. agreed to a condition on water right 35-7443 requiring installation of a data logger on the system and annual reporting requirements.

Strict control of the diversion rate for water right 35-7443 will prevent enlargement. The transferred portion will not have the same problem. The applicant, Steel, proposes to consolidate the transferred acres, increasing the rate per acre to an amount commensurate with sprinkler irrigation rates.

Local Public interest:
No issues identified.

Beneficial Use/Conservation of Water Resources:
No issues identified.

Review of the application finds that the application, if conditioned properly can satisfy the review criteria set forth in Section 42-222, Idaho Code.