

MEMORANDUM

Date: March 21, 2018
To: Transfer 82230
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion for a split portion of four water rights. It also updates the ownership of the split portions of those four water rights.

Authority to File:

The applicants, Jesse and Kaitlin Sorensen, have the authority to file. At the time of transfer submittal, the water rights were in the name of Steven and Patricia Kauer. The applicants provided deeds linking them with Steven and Patricia Kauer on the portion of the water rights split in this transfer. Jesse and Kaitlin Sorensen both signed the application.

Water Right Validity:

The water rights are valid for transfer. The irrigation rights were decreed in 2002. In 2008, the rights were transferred to a domestic well. According to the applicant in an email dated March 21, 2018, the domestic well did not produce enough water to irrigate the entire place of use. This was despite utilizing the well at its maximum capacity. Utilizing the point of diversion at its full capacity, yet not having enough water to irrigate the entire place of use, is an acceptable defense to forfeiture under Idaho Code 42-223(6). The purpose of this transfer is to move the applicant's portion of the rights to a new well, which will produce enough water for the right to be utilized.

Injury to Other Water Rights:

No water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received. The Watermaster for Water District 120 was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. An attached memo discusses the rate assigned to the remainder of 35-13476 and split portion 35-14575. Conditions were updated on both to reflect that 35-14575 is for a single family home, and 35-13476 is for a duplex. Neither volume nor irrigated acres volume are authorized to increase as part of this transfer.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Right 35-13476 was developed to serve three dwellings in two structures. One structure is a single-family home, the other a duplex.

As noted on the field exam, the right's rate of 0.06 cfs was based on discharge from the well as developed. The standard rate for in-home use only in three dwellings is 0.08 cfs.

The licensed volume included $\frac{1}{2}$ acre of domestic irrigation at both structures^x. The explanatory condition should have read, "The irrigation occurring under this domestic use shall not exceed $\frac{1}{2}$ acre for each *structure*. This right does not provide for irrigation of common areas" (emphasis added).

Transfer 82230 split 35-13476. The resulting rate for the remainder and split portion was based on the number of dwellings served. Therefore, the remainder of the right serves the single duplex, and has a rate of 0.04 cfs. The split portion (35-14575) serves the single-family home, and has a rate of 0.02 cfs.

It was necessary to determine a way to split the right's rate as part of Transfer 82230. The decision to split the rate based on the number of dwellings served resulted in the remainder of 35-13476 being authorized the standard rate for in-home use only for two dwellings. The split portion, right 35-14575, remains below the standard rate of 0.04 cfs for in-home use in one home. Both rights remain below the standard rate for in-home use plus domestic irrigation.

x

2. Measurements: Based on Well log

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: Diversion rate based on well log. Well log indicated 25 gal per min/448.83 = 0.06 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

$$1 \text{ domestic house} = 1.2 \text{ AF } 1 \text{ duplex} = .6 \text{ in house} + .6 \text{ in house} + .6 \frac{1}{2} \text{ acre irrigation} = 3.0 \text{ AF}$$