

MEMORANDUM

Date: August 31, 2017
To: Transfer 81670 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 2.5 acre portion (0.05cfs) of three groundwater rights from a farm located approximately 7.25-8.0 miles south and 0.75-1.5 miles west of the center of Kimberly for commercial and stockwater use to a CAFO located approximately 1.5 miles east and 3.7-4.0 miles south of the center Castleford. The transferred portion of the rights (0.05 cfs) and the existing domestic and stockwater right (0.16 cfs) will be diverted from an existing well located at the CAFO site. The irrigation to commercial and stockwater use conversion was based on an acre to volume conversion factor of 3.02 af/acre taken from the University of Idaho crop consumptive volumes for alfalfa for 2.5 acres for the Twin Falls area. This was based on information received from the USDA that alfalfa was being grown on the farm. The wells involved with the transfer are located outside the ESPA smooth model boundary area so a ground water model analysis is not required. A volume correction was made to water rights 47-17555, and 47-17560 to reflect the actual amount of volume available from diversion at the rate of 4.0 af/a and a correction for water right 47-17565 to reflect the actual amount of volume (97.6) available from the diversion rate of 0.20 cfs. The three-groundwater rights, 47-17555, 47-17560, and 47-17565 involved with the transfer all include a condition indicating that they are combined with Twin Falls Canal Company water. However, the application includes a letter from the Twin Falls Canal Company indicating the limited number and specific locations of shares on the original place of use. Note that the three groundwater rights, involved with the transfer allow for the total irrigation of 168.9 acres and that the letter from the canal company indicates that there are only 100 shares of water on these 168.9 acres. Further more, the canal company letter also identifies the specific lands that these 100 shares are appurtenant to. Note that the 2.5 acre portion of the three groundwater rights proposed to be transferred does not overlap the specific lands that the 100 canal company shares are appurtenant to. It should also be noted that the Department has previously approved similar types of transfers in the past involving portions of these same three groundwater rights.

- **Authority to File:**

The application includes a copy of a contract for sale of water rights from the current listed owner of the rights being transferred, agreeing to sell and transfer the portion of the water rights being transferred to the applicant. This document was signed by the current owner of the rights and the owner of the new place of use. The application also includes a copy of a warranty deed showing that the applicant owns the proposed place of use.

- **Water Right Validity:**

Rights 47-17555, 47-17560 and 47-17565 were decreed in 2009. Current aerial photography indicates that these rights appear to have been used in recent years. Therefore forfeiture does not appear to be an issue.

- **Injury to Other Water Rights:**

None anticipated.

- **Enlargement of Use:**

None anticipated. Transfer will result in a reduction in the maximum allowed diversion volume.

- **Local Public Interest:**

No negative impacts anticipated. Application was subject to public notice and protest and a protest was filed by the BLM on 6/29/2017. The transfer was amended on 8/18/2017 thus resolving the protest and the BLM submitted a withdrawal of protest on 8/28/2017

- **Beneficial Use/Conservation of Water Resources:**

Proposed uses are recognized as beneficial uses of water

- **Effect on Economy of the Local Area:**

None anticipated.

- **Effect of the Agricultural Base of the Local Area:**

None anticipated.

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.