

MEMORANDUM

TO: File 57-11884

FROM: Nick Miller

DATE: 07/25/17

RE: Trust water evaluation

This application was filed to provide supplemental ground water irrigation for 258.6 acres and primary irrigation for 31.4 acres for a total of 290 acres. Because the application is for irrigation of more than 200 acres, and the source is within the Swan Falls Trust Water area, the department's Water Appropriation Rules could require two evaluations beyond the minimum or standard.

First, because the application seeks to reallocate trust water, rule 45.02a does not presume the proposed use will cause a significant reduction (> 2 AF/day) since it contemplates irrigation of more than 200 acres. However, despite being for irrigation of more than 200 acres, the rate of application and the fact that most of the acreage is supplemental to another ground water right (57-2235) means that, even if the surface water is not available at all during a given year, diversion of water under a permit issued for this use would (because much of the crop demand would be provided by 57-2235) be less than that diverted under an application to irrigate 200 acres, so the presumption that it will not result in a significant reduction can be applied. However, if this right is used alone, the proportion of consumption under this right increases so the impact to the river would increase. The corresponding decrease in use of 57-2235 could be viewed to offset such an increase, but there is no evidence in the record that the LTG ground water diverted under that right would ultimately end up in the Snake River. Provided any approval includes some prohibition against its use as a sole source for irrigating more than 200 acres at any time, this use will not cause a significant reduction in flows at the Murphy Gage.

Second, the additional information under rule 40.05.c could be required because the application is for irrigation of more than 200 acres. However, this requirement is waived for applications seeking reallocation of trust water which the director determines will reduce the flow of the Snake River by no more than 2 acre-feet per day. For the reasons discussed above, this use is presumed to not cause a reduction of more than 2 acre-feet per day, so the additional information required by 40.05.c is waived.