

MEMORANDUM

TO: Transfer No. 81499
FROM: Patrick Kelly
DATE: 3/14/2017
RE: Evaluation of Application

Summary of Information Submitted: Application Transfer No. 81499 proposes to create a 3,335 acre POU within a 3,668 acre PPU for 13 water rights (2-2129, 2-2130, 2-2406, 2-7020, 2-7021, 2-7025, 2-7033, 2-7034, 2-7036, 2-7037, 2-7038, 2-7127, and 2-7350). Changes to diversions or delivery methods are not proposed. The farm is located inside the banks of C. J. Strike Reservoir, approximately 7 miles south of the Mountain Home Air Force Base.

Greg Sullivan of Brockway Engineering is the representative in Twin Falls at (208)736-8543.

The transfer application was submitted without a Page 6. This page outlines Part 3 of the application process which serves as a checklist for nature of use or supplemental rights changing. Since none of the rights are requesting a nature of use change and are not supplemental, the only purpose of this page in regards to transfer 81499 is to include a plat map. The transfer was submitted with a plat map (Attachment 7a). I have added a Page 6 to the application and notified the representative.

The sum of the rights on paper total 3,335 acres with no combined use limit restricting acres. 'Exhibit B' in the transfer application represents a 3,335 acre limit within a 3,668 ac POU. An overlap review was completed using the Workflow comparison tool and compared to 2011-2015 aerial imagery. This analysis suggests that 152 acres of overlap exist among the 13 rights, totaling 3,183 acres. A measurement of the irrigation use using ArcMap tools totaled 3,183.5 acres. This is an impressive correlation between the acres authorized by the rights after overlap is considered to the irrigation occurring on the ground.

These overlap findings were reported to the representative in an email on March 14, 2017. Mr. Sullivan defended the 3,335 ac POU with evidence that the user has irrigated so many acres using 2016 LandSat data. This data suggests a new pivot system has recently been installed since the latest imagery has been made available. He also pointed out that 2-7036, 2-7037, 2-7038 & 2- 7127 had been leased into the water supply bank. Review of these 4 rights finds a 2016 WSB lease was in place for a total of 144.2 acres. With no rental found for the recently installed pivot, this means that for at least 2016, the user had over irrigated acres authorized by his water rights.

The acres measured using 2015 imagery total 3,183.5 acres. 144.2 acres were leased into the WSB, for a total of 3,327.7 acres. It is reasonable to say that the user had fully irrigated the extent authorized by his rights, and that he was protected from partial forfeiture based on the acres leased to the bank. Because the individual rights sum to 3,335 acres (when considering each specific acre limit) with no combined use associated to the group, the department will consider the newly installed pivot as a resumption of use under the rights outside of the describe place of use, rather than finding overlap. Because of these issues, the transfer will be advertised statewide.

Combined use analysis was completed and found a number of volume limitations for various rights on the farm. Many of the volume limits actually exceed the sum of the rights volume. For example, 2-2129 carries a condition that states that when combined with 2-7025, the annual

diversion volume shall not exceed 2,185 af. But the sum of these 2 rights equals 2,075 af, so the "limit" is unattainable by the rights and should be disregarded. The only true combined use limit is the 62.56 cfs diversion rate.

All of the rights except 2-7038 were granted 5.0 af/ac. Rights are still restricted to 4.0 af/ac at the field headgate (13,340 af).

There are 3 POD descriptions identified on Page 3 of the application with no changes proposed. The Section 28 diversion contained the 10 acre tract legal description. This 10 acre tract description is reserved for Spring sources, and can be removed from the legal description via the transfer process.

Authority to File: The application was filed in the name of Murphy Land Company LLC and was signed by a Mr. Frank Tiegs. According to ID SOS records for this company, Mr. Tiegs is the registered member. Murphy Land Company is the current water right owner to all of the rights associated with the transfer.

Water Right Validity: Murphy Land Company rights were decreed at different times from 2009 to 2011 and are subject to forfeiture review. Review of 2011 - 2015 aerial imagery shows irrigated lands totaling 3,183 acres within the proposed PPU. In response to overlap/forfeiture concerns, 2016 LandSat data has been submitted by the representative to support additional acres irrigated. The 3,335 acre POU equals the total acres authorized by the rights. Forfeiture is not found.

Overlap Analysis: Place of use comparison tool finds that all water rights pertinent to the Murphy Land Company farm are included in the transfer. No other rights should be considered.

Injury to Other Water Rights: None anticipated. Changes to points of diversion or irrigation practices within the Trust Water Boundary are not proposed. Comment letters will be solicited from the watermaster for District 02. Because the issue of overlap was raised, the application will be advertised statewide.

Enlargement of Use: None anticipated. Murphy Land Company diversions will be limited to a total combined use of 62.56 cfs and 15,374.4 af at the field headgate. Individual rights will maintain the 5.0 af/ac value to account for conveyance losses, but the headgate limit will reflect the 4.0 af/ac allowance for the area. Acre limits are not suggested since the total sum of these are additive, and do not overlap.

Local Public Interest: Review staff has no information that would compromise the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

	Rate	Volume	Ac Limit	Total Ac	Combined Use Limits					
2-2129	3.54	860	172	200	2185 af			4320 af		
2-2130	3.42	855	171	200		2180 af		4320 af		
2-2406	4.12	1030	206	304			2605 af	4320 af		
2-7020	4.66	1165		233						
2-7021	5.42	1355		271						
2-7025	4	1215	243	528	2185 af	2180 af	2605 af	4320 af		
2-7033	6.4	1507.2		300					1757.2 af	
2-7034	6.4	1507.2		300						
2-7036	6.44	1610		322						23.6 cfs
2-7037	6.4	1600		320						23.6 cfs
2-7038	4	900		200						23.6 cfs
2-7127	10.94	2735		547						23.6 cfs
2-7350	1	250	50	91			2605 af	4320 af	1757.2 af	
SUM	66.74	16589.4	842	3816	2075	2070	2495	4210	1757.2	27.78

3335

	3335 Acres	cfs	af
MAX BU @ 0.02 cfs/ac, 5.0 af/ac:		66.70	16675.0
Sum of rights:		66.74	16589.4
CUL consideration:		62.56	

fee: 62.56 \$3,740.00