

MEMORANDUM

TO: Transfer No. 81194 File
FROM: Cody Parker
DATE: February 3, 2017
RE: Evaluation of Sufficiency of Information Submitted

The purpose of this transfer is to change the point of diversion for water right no.'s 51-13071 and 51-13073. The new point-of diversion is an existing well located on the applicant's property. Water will be used at the current place of use generally located west of the intersection of Mormon Blvd and Shoofly Cutoff Rd, 9 miles southwest of Bruneau, Idaho.

Summary of Information Submitted

Authority to File: The transfer involves water right no.'s 51-13071 and 51-13073, both of which are in the name of Jerry & Kayla Isaac, the applicants listed on the transfer. The applicants own the parcel, on which, the existing place of use and the proposed point of diversion are located.

Water Right Validity: Rights 51-10371 and 51-10373 were decreed in 2000. These rights combine for irrigation of a total of 8 acres in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, Township 07 South, Range 04 East, Boise Meridian. Historical Aerial Photography dating back to 2011 shows irrigation of more than 8 acres on the taxlot owned by the applicants in the same QQ. Thus, no forfeiture risk is found.

Overlap Analysis: The only other WRs within this QQ are 51-13070 and 51-13072. Both are irrigation rights owned by the Warkentins, who also own the property to the north of the Shoofly Cutoff Rd. Therefore, I find no place of use overlap for the rights included in this transfer. There are no other water right points-of-diversion listed with the same QQ as the POD proposed in the transfer, indicating no overlap. However, the well is listed as domestic use, so it likely provides water for use in the home as well. The well has probably been used for both purposes according to water supply bank rentals so the well is probably sufficient to provide water for both uses. However, the well will require a drilling permit upgrade fee.

Injury to Other Water Rights: The transfer proposes to change the POD to a well in the NWSW QQ. According to the report from the representative, the new well diverts water from the same aquifer source as the current POD. The water bearing zone for the new well is 221-264 ft. below ground surface. There are no other wells within the same QQ and only 1 other well located in the adjacent QQ's. This other well diverts water from the same source (assuming approximately equal ground surface elevations). The distance from the proposed POD to this well is 0.2 miles, which is the same distance from the previous POD to the well. Therefore, there is no expected injury to this other well resulting from this transfer. Furthermore, the well has

been used as authorized by water supply bank transactions. Since no negative effects have been reported while the well has been in use, it is reasonable to assume that there is no injury.

Enlargement of Use: None anticipated, the only thing changing is the POD. The diversion rate and volume, and irrigated acreage remains the same.

Local Public Interest: The rights will continue to divert water for irrigation use consistent with the local public interest after the transfer. The application will be advertised to provide the opportunity for public protest to ensure that the change is in the local public interest.

Beneficial Use/Conservation of Water Resources: The rights operated under this transfer will continue an established beneficial use. The combined diversion rate exceeds 0.02 cfs per acre. However, the rights included in this transfer were decreed at this higher rate, so no additional justification is necessary (per Admin Transfer Memo no. 24). The transfer *does* propose to change the point of diversion, but there will be no change to the conveyance losses as this is a groundwater well. Furthermore, the transfer will allow the owner to use cold water for irrigation rather than the low-temperature geothermal water provided by the current well, preserving the low-temp geothermal water to be used for heating use.

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

Discussion

The same transfer (submitted in 2011) was previously rejected. The existing POD uses low-temp geothermal water, while the new well uses cold water. This was previously taken to mean that the two wells appropriate water from different aquifer sources. The new information provided by the representative shows that the two wells draw water from the same source, despite differences in temperature. This information has been reviewed by the State Office, the Water Supply Bank, and the hydrology section, and was found to support the representative's conclusions. There does not appear to be any other reasons for rejecting this application in the backfile.