

MEMORANDUM

Date: May 11, 2017
To: Transfer 81426
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use and point of diversion for a 10-acre split portion of rights 35-2333, 35-7355A, 35-7355B, 35-13553, and 35-13753. The split portions will be combined with right 35-2068 to create a 130-acre place of use. The resulting place of use will better reflect current irrigation practices.

Authority to File:

The applicants, Sandra and Terrell Yancey, have the authority to file and both signed the application. They are the current owners record for all of the water rights.

According to Bingham County taxlot data, updated 6/7/2016, the applicants own all of the land from and onto which the water rights are being rearranged, with the exception of a five acre parcel of land at the proposed place of use in the NENENE of Section 9 listed in the name of Aberdeen Springfield Canal Company. Documents were provided with the application demonstrating authority to file the transfer: a letter regarding "Sale of property to Terrell Yancey" on Aberdeen-Springfield Canal Company letterhead, and Aberdeen-Springfield Canal Company Board of Director's meeting minutes authorizing the sale of the property to Yancey.

Water Right Validity:

The water rights are valid. They are all either decreed or licensed. The 10 acre split portion of the rights 35-2333, 35-7355A, 35-7355B, 35-13553, and 35-13753 were part of Transfer 73569, approved in 2008. Review of aerial photography after the approval of Transfer 73569 indicates that the irrigation as proposed in this transfer began during the 2009 irrigation season.

Injury to Other Water Rights:

No other 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 have any concerns. The post-transfer point of diversion is in an adjacent ESPAM2 model cell to the pre-transfer points of diversion.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase.

Errors in Previous Transfers:

During the transfer review, IDWR discovered errors with some of the water rights. These errors were the result of two previous transfers (73569 and 80061).

Transfer 73569

Transfer 73569 proposed to split off an 18-acre portion of water right 35-8160 and combine the remaining 255-acre portion of right 35-8160 with water rights 35-7355A, 35-7355B, 35-2333 and 35-13553 to create a 493-acre combined place of use. Water right 35-8160 was licensed in July 1994 for 1.56 cfs, 662.1 af and 273 acres. The licensed rate per acre was very low 0.006 cfs/acre. Transfer Application 73569 proposed to move a full water supply (0.02 cfs/acre and 4 af/acre) for the 18 acre split portion of the right. The 18-acre split portion was assigned water right number 35-13754. The 255-acre remaining portion of the right was assigned water right number 35-13753. Transfer 73569 described right 35-13754 correctly (0.36 cfs, 72 af, 18 acres). Transfer 73569 did not properly reduce right 35-13753 to reflect the split. The remaining portion (right 35-13753) should have been for 1.20 cfs, 509.4 af and 255 acres. 509.4 acre-feet is based on the limited flow rate (1.20 cfs) and the season of use (214 days).

To correct the error from Transfer 73569, water right 35-13753 must be reduced to the proper amounts. This change can be accomplished in the current transfer. Transfer Approval 81426 should list right 35-13753 with the proper elements (1.20 cfs, 509.4 af, 255 acres). This right is proposed to be split in Transfer 81426. The split portions of the right should also reflect the proper amounts.

Transfer 80061

As stated above, after Transfer 73569, water right 35-7355A shared a combined place of use with water rights 35-7355B, 35-2333, 35-13553 and 35-13753. The combined place of use was located entirely within Section 4, T05S, R31E. Transfer 80061 proposed to split off a 5.3 acre portion of water right 35-7355A. The other four water rights were brought into the transfer to update the combined limit conditions and reduce the combined place of use. The legal description for the combined place of use was mistakenly changed to Section 33, T04S, R31E. The only way to correct this error is to issue an Amended Transfer Approval. An order correcting transfer 80061 will be signed at the same time as 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73569

This is to certify that: TERRELL N YANCEY
1226 S 2700 W
ABERDEEN ID 83210
(208)397-5374

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-8160	WR/License	06/14/1983	1.56 cfs	662.1 af	N/A	273.0	GROUND WATER
35-7355A	WR/Decreed	11/26/1973	2.17 cfs	552 af	N/A	138.0	GROUND WATER
35-7355B	WR/Decreed	11/26/1973	0.68 cfs	N/A	43.0	238.0	GROUND WATER
35-2333	WR/Decreed	05/28/1953	3.9 cfs	N/A	195.0	238.0	GROUND WATER
35-13553	WR/Decreed	05/15/1948	2.64 cfs	400 af	N/A	100.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Spill</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-8160	YES	NO	YES	YES	NO	NO
35-7355A	NO	NO	YES	YES	NO	NO
35-7355B	NO	NO	YES	YES	NO	NO
35-2333	NO	NO	YES	YES	NO	NO
35-13553	NO	YES	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (changed portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
		~~1.20 cfs~~	~~590.4 af~~							
35-8160	35-13753	4.26 cfs	590.4 af	255.0	493.0	35-13754	0.36 cfs	72 af	N/A	18.0
35-7355A	35-7355A	2.17 cfs	552 af	138.0	493.0		N/A	N/A	N/A	N/A
35-7355B	35-7355B	0.68 cfs	172 af	43.0	493.0		N/A	N/A	N/A	N/A
35-2333	35-2333	3.90 cfs	780 af	195.0	493.0		N/A	N/A	N/A	N/A
35-13553	35-13553	2.64 cfs	400 af	100.0	493.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		~~10.32 cfs~~	~~2044 af~~	493.0	493.0		N/A	N/A	N/A	18.0

9.96 cfs 1972 af

SUPPORT DATA

IN FILE # 35-2333

WATER RIGHT NO. 35-13753
As Modified by Transfer No. 73569

In accordance with the approval of Transfer No. 73569, Water Right No. 35-13753 is now described as follows.

Right Holder: TERRELL N YANCEY And/Or
 SANDRA YANCEY
 1226 S 2700 W
 ABERDEEN ID 83210

Priority Date: June 14, 1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.26 CFS	590.1 AF
			1.26 CFS	590.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNE Sec. 4 Twp 05S Rge 31E BINGHAM County

GROUND WATER NWNESE Sec. 4 Twp 05S Rge 31E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	31E	4	14.0	33.0	40.0	37.0	39.0	38.0	39.0	40.0	40.0	34.0	34.0	34.0	31.0	40.0			493.0

Total Acres: 493

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08160

Priority: June 14, 1983

Maximum Diversion Rate: 1.56 CFS
Maximum Diversion Volume: 662.1 AF

This is to certify, that BRICE ORLEY YANCEY
1264 S 2700 W

ABERDEEN ID 83210 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 14, 1983; and has submitted Proof of Beneficial Use on July 24, 1990. An examination indicates that the works have a diversion capacity of 5.510 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.56 CFS	662.1 AF

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 4, Township 05S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	31E	4	SWNE 40	SENE 39	SWNW 39	NESE 35	
			SENE 40	NESW 40			273
			NWSE 40				

Total number of acres irrigated: 273

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right uses the same well as Right 35-02333 and a portion of Right 35-07355 and when combined with those rights shall not exceed a diversion rate of 5.51 cfs nor provide more than 4.0 afa per acre for the lands above.

RECORDED

AUG 09 1994

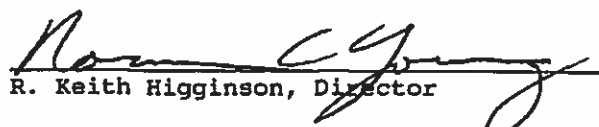
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08160

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22ND
day of July, 1994.

Acting for


R. Keith Higginson, Director

AUG 09 1994