

MEMORANDUM

Date: December 20, 2016
To: Transfer 81235
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion (to a proposed new ground water well) and add 10 points of diversion to right no. 35-14308. The transfer also adds a point of diversion (the proposed new well) to 38 other ground water rights. The new well will be constructed on Applicant's property. The 39 water rights currently share a permissible place of use. Approval of the transfer will result in all 39 rights being associated with all 11 wells (including the proposed new well).

Various transfers filed over the last ten years created the permissible place of use for the 39 water rights. These previous transfers included annual volume limits on certain groupings of wells. This transfer proposes to adjust the volume limits for the grouped wells. The volumes for rights 35-13898 and 35-13916 will be corrected in the transfer to clear up an internal inconsistency within the two rights. The volumes listed on the decrees are not attainable given the decreed rates of diversion.

Authority to File:

IDWR records show the applicants as the current owners of all 39 water rights, and Power County taxlot data shows them as owners of all the parcels except one, which is owned by AMB Farms LLC. The applicants provided a copy of an agreement which authorizes use of these rights on the AMB parcel. Klaren Koopman is the manager of both LLCs, and his signature authority was confirmed.

Water Right Validity:

The rights included in this transfer are based on either SRBA partial decrees or post-SRBA licenses. Right 35-14308 is currently leased to the Water Supply Bank (WSB), but is scheduled to be released from the WSB at the end of 2016. IDWR staff determined right 35-14308 to be valid when it was accepted into the WSB. The other 38 rights were included in transfer 77467, which was approved in 2012. Post-transfer photography shows irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

The applicants provided an ESPA model analysis, but it was set up in an unusual way. Therefore, I ran the model again in a more straightforward manner. Water is being moved from one cell to four nearby cells, two of which are adjacent and do not require modeling. It was determined that mitigation is not required because impacts are less than 2 AF per trimester. In this model run it was appropriate to combine the near Blackfoot to Neeley and the Neeley to Minidoka reaches, due to the location of the proposed points of diversion. Other rights will not be injured by the proposed change because the quantity authorized to be diverted will not change as a result of the transfer. The application was advertised and no protests were filed. The watermaster of Water District 120 was notified of the transfer and did not provide comment.

Enlargement of Use:

The proposed change will not result in enlargement because the total acreage, diversion rate, and volume authorized for irrigation under the right will not increase. Combined limits and individual water right acre limits were carried forward on the transferred rights to prevent enlargement.

Local Public Interest:

The application requests a five year development window for the new well. The approval will include the standard condition requiring changes to be complete within one year. If the applicant needs more time to construct the well, it can seek an extension of time.

Beneficial Use / Conservation of Water Resources:

No issues identified.

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.