

MEMORANDUM

Date: December 28, 2016
To: Transfer 81174
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

Water rights 35-14081, 35-14084, 35-14089 and 35-14092 currently describe a single authorized point of diversion located in the NENWNE (Lot 2) of Section 5, T07S, R29E. These four rights, in combination authorize the diversion of 0.61 cfs and the irrigation of 45 acres. Water right 35-13608 (0.06 cfs, 5 acres) is also diverted from the well located in Section 5.

Water right 35-7914 (3.65 cfs, 296 acres) currently describes a single authorized point of diversion in the NWNWNE of Section 7, T07S, R29E.

This transfer proposes to add a new well (to be drilled in the NENE of Section 6, T07S, R29E) to the two systems described above. The transfer proposes to list all three wells on all of the water rights. According to a letter filed with the application, the new well will act as a backup supply if the two existing wells are out of commission as a result of maintenance or breakdowns.

Permit 35-14243 (13.18 cfs, 659 acres) is also diverted from the existing well in Section 5. Permit 35-14241 (7.38 cfs, 369.1 acres) is also diverted from the existing well in Section 7. These two permits are still in the development phase, proof of beneficial use has not yet been filed.

According to measurement records, the current yield from the existing wells is far less than the rate authorized by the permits. It is possible that this transfer was filed to provide additional developed diversion rate under the permits while avoiding the amendment of permit process. In order to prevent this well from being used to augment the amount of water developed under the permits, the rights should be conditioned to prohibit diversion from the new well until proof of beneficial use is filed for the permits. If Funk intends to increase the developed diversion under the permits by adding the proposed well, he should do so through the proper forum.

Authority to File:

Application was signed by Lance Funk. According to Power County taxlot data, the proposed points of diversion are on ground owned by Lance Funk. Water rights 35-14081, 35-14084, 35-14089 and 35-14092 are in the name of Lance & Lisa Funk Partnership. Water right 35-7914 is in the name of Lance Funk and Diane Benson Funk. Applicant provided a death certificate for Diane Funk. Water right 35-13608 is in the name of Reid Stewart. Applicant provided a quit claim deed conveying water right 35-13608 to Lance & Lisa Funk Partnership.

Water Right Validity:

Water rights were decreed in the SRBA. Aerial photos show continuous use. No issues identified.

Injury to Other Water Rights:

Proposed points of diversion are all located in adjacent model cells. No ESPA Transfer Toll analysis is required. Application was advertised, no protests were filed. Watermaster for WD120 was notified of the application but did not provide a response.

The new well cannot act as a true backup well for the wells in Sections 5 and 7. The water rights associated with the existing wells in Sections 5 and 7 far exceed the amount of rate being moved to the new well. According to WMIS records, the well in Section 5 produces 8.57 cfs and the well in Section 7 produces 7.05 cfs. This transfer does not authorize the new well to be used to supply water under Permits 35-14241 or 35-14243. In order to prevent unauthorized diversion from the new well, the new point of diversion must be limited to a maximum diversion rate of 4.32 cfs (1940 gpm).

Enlargement of Use:
No issues identified.

Local Public interest:
No issues identified.

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.