

MEMORANDUM

Date: February 19, 2016
To: Transfer 79929
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

In 2014 Thompson Brothers received a pending notice of violation because they were using ground water to irrigate about 46 acres without a valid ground water right. The purpose of this transfer is to resolve the violation by moving a 30 acre portion of right 27-2129A, together with rights 27-7299, 27-7412, and 27-12146, into a 304 acre combined place of use. These rights will be delivered from two interconnected wells, which will also require changing and adding points of diversion.

The partial decree for right 27-12146 showed a total volume of 24 AF, but only 21 AF for irrigation purposes. There were no other uses listed on the right. Therefore, the total volume was changed to 21 AF through this transfer in order to resolve the inconsistency.

In the IDWR database right 27-2129A included a condition which limited the combined use of right 27-2129A and Smith Maxwell Ditch Co. shares to 0.02 cfs per acre. However, the condition did not appear on the partial decree. Therefore it was removed from both the parent right and the split portion in the transfer approval.

Authority to File:

Department records show the applicants as the current owners of the rights. The transfer application was signed by Layne Hamilton and by Paul Thompson, who is authorized to sign on behalf of the LLC. Hamilton will retain ownership of the split portion of 27-2129A, even though it will be used on Thompson Brothers property.

Water Right Validity:

Right 27-7412 was licensed in 2012. Rights 27-2129A, 27-7299, and 27-12146 were decreed in the SRBA in 2007. Review of the post-decree photography shows consistent irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed changes because the total authorized to be diverted under the rights will not increase. The points of diversion are within the ESPA boundary, but a model run is not required. The centroid of the proposed points of diversion is located near the current point of diversion of right 27-2129A in an adjacent model cell. The current points of diversion of the three other rights are located in either the same model cell or in a cell adjacent to the proposed points of diversion. There is no evidence that the proposed change will reduce the quantity of water available to other water rights. The transfer application was advertised and no protests were filed. The Water District 120 Watermaster reviewed the application and did not oppose its approval.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate, nor volume, nor irrigated acreage will increase as a result of the transfer. Both the current and proposed places of use have appurtenant canal shares. The number of acres that can be irrigated with ground water within the current permissible place of use of right 27-2129A will be reduced by 30 acres in order to allow 30 additional acres to be irrigated with ground water at the proposed place of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:
No issues identified.

Effect on Economy the Local Area:
No issues identified.

Effect on Agricultural Base of the Local Area:
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.