

MEMORANDUM

Date: October 2, 2014
To: Transfer 79518
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 79518 proposes to change a 17.7-acre portion of water right 13-2236 for commercial use at a dairy. The split portion will be moved to a new place of use and a new point of diversion.

The original transfer application was filed on May 13, 2014, but contained multiple errors, lacked supporting documentation and did not include the proper application fee. An amended application, supporting documents, and additional fees were filed on August 22, 2014. The amendment proposed to move acres that appeared to have been forfeited. A third amendment was submitted on December 23, 2014 identifying different acres and a greater number of acres to split and move. The application was re-advertised because the changes proposed in the third amendment were significant. A fourth amendment was submitted on January 23, 2015 correcting the proposed place of use.

Authority to file:

The water right is currently in the name of Hobbs Brothers. The current place of use is in the name of Robert J Hobbs and the proposed place of use is in the name of Twin Rivers Dairy Inc. The backfile for water right 13-2236 includes a copy of the original application indicating that the partners of Hobbs Brothers are W.P. Hobbs and Bob Hobbs. There are no records at the Idaho Secretary of State for Hobbs Brothers. Documentation was provided showing that the current place of use for water right 13-2236 likely passed from Hobbs Brothers to Ken D Hobbs & Robert J Hobbs.

Validity of the Water Right:

Water right 13-2236 was licensed on April 04, 1978. Most of the acres proposed to be transferred appear to have been irrigated over the last 10 years. A portion of the transfer acres are not visibly cultivated or irrigated in the last five years. The acres of concern appear to now be used as a corral for a feedlot operation. The applicant provided a number of affidavits from asserting that all of the transfer acres were irrigated in 2010 or 2011. A 2006 photo from Google Earth shows late season irrigation of the corral area. At this time, there is not clear and convincing evidence of forfeiture. Therefore, the transfer will be processed for the 17.7 acres proposed in the application.

Injury to Other Water Rights:

Proposed point of diversion is only one mile away from existing point of diversion. No injury to other water rights was identified. The application was advertised and no protests were received.

Enlargement:

In order to prevent enlargement of the water right, the new purpose of use (Commercial) will be limited to the historic consumptive use of the existing purpose of use (Irrigation). The applicant provided data that the precipitation deficit for alfalfa hay in the Preston area is 2.79 acre-feet per acre. Therefore, the proposed commercial use will be limited to 49.4 acre-feet (17.7 acres x 2.79 af/acre). The season of use will be expanded to 1/1-12/31, but the source of the right is ground water, so the net annual hydrologic effect on the aquifer will remain the same.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.