

MEMORANDUM

Date: April 15, 2014
To: Transfer 79077 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes adding two existing wells to 38 water rights and rearranging acres on the rights to match current irrigation practices. Adding the two wells is merely a paperwork change as they are part of the existing irrigation system which was developed in 2007. The rights are used on a 4,631 acre farm located 6.8 miles to 10.3 miles north and 3.0 miles to 8.1 miles east of Malta. The additional points of diversion are located in L1 (NENE) of Sec. 6, Twp 12S, Rge 28E and the SENE of Sec. 1, Twp 12S, Rge 27E. Ultimately, the purpose of this transfer was to add the points of diversion to the rights and obtain a drilling permit to install a new casing and pump in the well in Sec. 6. The rights in this transfer are as follows: 43-2317C; 43-2317E; 43-2339C; 43-2339E; 43-2423C; 43-2423E; 43-2467C; 43-2467E; 43-2510C; 43-2510E; 43-2574E; 43-2576E; 43-4002C; 43-4002E; 43-4014A; 43-4014B; 43-10019; 13-12933; 43-13405; 43-13448; 43-13450; 43-13452; 43-13454; 43-13456; 43-13458; 43-13460; 43-13462; 43-13490; 43-13492; 43-13494; 43-13496; 43-13498; 43-13500; 43-13502; 43-13504; 43-13506; 43-13508 and 43-13510.

In 2007, Transfer 73745 was filed seeking to merge properties and water rights from four separate farms into one farm for these water rights. The application indicated there were 19 wells in the proposed system. The two wells in Sec. 1 and Sec. 6 were questioned by the agent processing the application, who indicated the wells were covered by existing water rights owned by Thayne Buck. A corrected application for transfer, which removed these two points of diversion was received in 2010, and subsequently was approved. My research indicates the original water rights associated with the wells (43-2423; 43-2510; 43-2317; 43-2339; 43-2467 & 43-4002) were split by an ownership change and the "B" portions owned by Thayne & Marilyn Buck were then transferred to a new point of diversion in transfer #5124 in 1998, leaving only the "A" portions of the rights, which were superseded by decree. My research indicates that the wells shouldn't have been dropped from transfer #73745, as they were part of the proposed irrigation system and were not associated with any other active water rights or ownership at the time the transfer was processed. The wells are visible in recent ArcMap imagery (including 2009 imagery) and ranch management states they have been a part of the irrigation system since it was developed.

Application fees for this transfer were based on limiting the added wells to 12.0 cfs and a condition stating the two wells are limited to 12.0 cfs was placed on all the water rights in this transfer.

There are 71.1 irrigation acres described on these water rights that remained "parked" on a CAFO that encompasses all of Sec. 35, Twp 12S, Rge 27E. The applicant has indicated that they will place these acres in the Water Supply Bank after the transfer application is approved.

Overlap review indicates that there are no other water rights diverted from any of the 17 wells utilized in this irrigation system. Place of use overlaps with a group of commercial and stockwater rights used in the CAFO in Sec. 35, and the overlap is shared with the same 71.1 acres mentioned in the previous paragraph. The stockwater and commercial rights are as follows: 43-13449, 43-13451, 43-13453, 43-13455, 43-13457, 43-13459, 43-13461, 43-13463, 43-13491, 43-13493, 43-13495, 43-13497, 43-13499, 43-13501, 43-13503, 43-13505, 43-13507, 43-13509 and 43-13511. There is also POU overlap with a domestic right, 43-10020, in the SESE of Sec. 31, Twp 11S, Rge 28E and with a stockwater and domestic right, 43-10021, in the SWSW of Sec. 36, Twp 11S, Rge 27E.

Since the application only modifies the place of use to match current irrigation practices, with two wells being added that have been part of the irrigation system since it was developed, and is only a paperwork change with no hydrologic change, the transfer was processed, and can be approved without advertising.

- **Authority to File:** East Valley Cattle LLC is listed as the current owner of all water rights in this transfer and IDWR records indicate they are the owners of all properties involved in this transfer.
- **Water Right Validity:** All water rights in this transfer were decreed in the SRBA in 2002. Recent aerial and satellite imagery indicate the property involved with this transfer appears irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing