

MEMORANDUM

Date: March 5, 2014
To: Transfer 79170
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for a portion of water right 13-7476. This is the first of two transfers filed (79170 and 79182) pertaining to right 13-7476.

Authority to File:

The applicant, Henry "Hank" Povey, is the listed owner of the water right according to Department records. Hank Povey owns the land at the proposed POU and POD, confirmed in a 3/5/2014 conversation with Denise Ralphs of the Franklin County Tax Assessors Office.

The land from which the split portion of the water right will be transferred is owned by Leonard and Lorraine Povey. The applicant provided a water right agreement for right 13-7476 between Leonard and Lorraine Povey and HM Povey Farms, LLC. The agreement stipulated that HM Povey Farms, LLC could transfer 13-7476 off of the land as proposed in this transfer. According to its 2014 Annual Report, filed with the Idaho Sec of State, Hank Povey is a registered agent authorized to sign for HM Povey Farms.

Water Right Validity:

Aerial photography indicates consistent irrigation at the POU since the right was licensed in 2002.

Injury to Other Water Rights:

No injury to other rights is expected. The point of diversion for the split portion is approximately one mile to the northwest of the original POD. The transfer was advertised and no protests were received.

Enlargement of Use:

Given the two considerations below, no enlargement of use is expected. This transfer authorizes no additional rate, volume, or irrigated acres.

The portion of right 13-7476 being transferred is being moved from an area of more surface water canal shares to an area of less canal shares. Given this, the transfer volume will be limited to 1.78 AC-FT/AC, based on estimated demand at the existing POU (calculated using theoretical PCC data and annual kilowatt hours supplied by Rocky Mountain Power).

The years examined for PCC data, and compared to annual power consumption, were 2012 and 2013, the only two years that the existing POD had its own dedicated power meter. The theoretical PCC was calculated using Rocky Mountain Power's supplied kilowatt demand, averaged over the course of the irrigation season for all months given. An assumption was made that the rate of diversion was 924.59 gal/minute, the licensed rate. The equation used was $PCC = \text{Average Demand} \times 5431 / 924.59$. The PCC was then divided by the yearly kilowatt hours to derive the number of acre feet used per acre (AC-FT/AC).

In 2012 the average demand was 37 kW, the PCC was 217.34, and the total kWh was 57489. In total 264.51 AC-FT were pumped, yielding 1.43 AC-FT/AC.

In 2013 average demand was 43 kW, the PCC was 252.58, and the total kWh was 99131. In total 392.47 AC-FT were pumped, indicating 2.12 AC-FT/AC.

This transfer also reduced supplemental right 13-2224's acreage where it overlapped with the acreage to be transferred in both transfers 79170 and 79182. The overlapped acreage was 40 acres in the NESW, 7 acres in the NWSW, and 2 acres in the NWSE of Section 23 T14S R38E. 13-2224's rate was not decreased because it is still under an inch to the acre on its remaining 135 acres. The above acres will still be irrigated by canal shares when possible.

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.