

MEMORANDUM

Date: December 18, 2013
To: Transfer 78293 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Ken Mulberry Enterprises originally purchased ground from Ronda & Linda Yanke along with right 47-2137 (Unnamed Stream Tributary to Rock Creek, 0.56 CFS), also owned by the Yankes. This parcel also included right 47-2502 and shares in Twin Falls Canal Co. (TFCC). Yankes retained ownership of the 40-acre parcel which 47-2137 was appurtenant to. Application (T4002) proposed changing the place of use (POU) and also add a point of diversion (from Rock Creek) to right 47-2137, to facilitate irrigation at the purchased parcel. The application was protested, but was ultimately resolved by requiring a flow meter at the pumping station on Rock Creek (TWP 11S RNG 18E Sec. 22 SENW). After discussion with the applicant and their manager, it was realized that the application would need to be amended to match how the water was intended to be used. Amended application proposes to add right 47-2502 into a permissible place of use (PPU) with the transferred right, since it is adjacent to the proposed POU of 47-2137. Amended application also proposes to clarify points of injection and diversion from Rock Creek associated with the transfer of 47-2137. Upon approval application will allow for 67 acres of irrigation from rights 47-2137 & 47-2502 within a 67-acre PPU. Rights 47-2137 & 47-2502 are under the jurisdiction of the Rock Creek Water District (470), so appropriate conditions will be added.

- **Authority to File:**
Original application was signed by Kenneth Mulberry, partner of Ken Mulberry Enterprises. Original application included warranty deeds from Yankes conveying interest of the rights and also ground included in the proposed POU. Robert & Kathi Meyers, signed the amended application and are presently listed as the current owners of right 47-2137.
- **Water Right Validity:**
Right 47-2137 was partially decreed in the SRBA on May 1, 2012. Right 47-2502 was partially decreed in the SRBA on June 2, 2011. Because of the recent nature of the partial decrees, forfeiture is not an issue.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impact anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**

None anticipated.

- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

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.