

MEMORANDUM

Date: December 10, 2013
To: Transfer 78302 File
From: Cindy Yenter
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to combine and to create a common permissible place of use (PPU) for irrigation under rights 45-169, 45-13455, 45-13973A, and 45-13937B diverted from Willow Creek; 45-695, 45-696, 45-2053, 45-4258A, 45-13973C, and 45-13973D diverted from Land Creek; 45-701 diverted from Land Ranch Spring; 45-13974 diverted from Willow Creek, Land Creek and Land Ranch Spring; 45-2519, 45-4048G, 45-2254A, 45-2520, 45-2526, 45-2579, 45-2630, 45-2657, 45-4009A, 45-4011A, 45-4013A, 45-4048F, 45-13777, 45-2254B and 45-11239 diverted from ground water; and portions of rights 45-2382, 45-2600A, 45-13469, 45-2600B, and 45-13470, diverted from ground water.

Under the combined system, the surface water rights will be diverted at one existing point of diversion on Willow Creek, two existing points of diversion on Land Creek, and at Land Ranch Spring. Ground water rights will be diverted from a system of 16 existing, interconnected wells. No new wells will be drilled. Surface water will be diverted to ponds and combined with ground water to create a fully integrated distribution system for all sources of water.

The proposed PPU will incorporate portions of the current authorized place of use for the included rights along with adjacent ground for a total of approximately 7776 acres. The PPU is located between 7 and 13 miles directly south of Burley and two miles east of State Highway 27.

As decreed, water right acres total 7148. Partial forfeiture is indicated under expansion right no 45-11239 (see details below). Adjustments reflecting forfeited acres will reduce that right by 455 acres, to 463 acres, and the total authorized irrigation under this transfer to 6693 acres.

Proposed changes occur within Water District 140 (WD140) and the Oakley-Kenyon Critical Ground Water Area. Watermaster comments will be solicited and appropriate conditions will be recommended for approval.

- **Authority to File:**

Applicant(s) are listed as current owners on IDWR records for the rights involved in this transfer. There are no lien holders.

- **Water Right Validity:**

All ground water rights and most surface water rights included in the transfer were decreed in May 2005. Rights 45-13973A, 45-13973B, 45-13973C, 45-13973D and 45-13974 were decreed in 2012.

122 acres were leased to the water supply bank from 45-2382 during 2006-2012. The remainder acres were irrigated in all years. 116 of the lease acres are included in the transfer.

Transferred portions of rights 45-2600A, 45-2600B, 45-13469 and 45-13470 have been irrigated within the past five years.

A large portion of water right no 45-11239 appears forfeited. This is an expansion right representing 918 acres and 600 acre feet, much of which has not been irrigated since the early 1990's. Old file info indicates this land may have been in CRP from 1993-2002, and SRBA partial decree was issued in 2005. After that time, a feedlot was developed in Section 26 and no subsequent irrigation is evident. No recent irrigation can be found on S1/2 Section 27 as well as

in any pivot corners. Forfeit acres total 455. 45-11239 should be reduced to 463 acres, leaving 45-2254B whole at 150 acres.

All of right 45-2254A, and a portion of right no 45-2520 were enrolled in the State water supply bank from 2006 to 2012. Between 547 and 565 total acres were leased from the two rights each year. These two rights are part of a suite of rights in a common place of use with a PPU of 4983 total acres and 4951 authorized acres. All rights are part of the transfer. Subtracting leased acres from authorized acres in each lease year leaves between 4386 and 4404 authorized acres in the PPU, depending on the year. A rough irrigation analysis within the 4983-acre PPU between 2006 and 2012 indicates at least 4400 acres were irrigated in each year. Due to variable resolutions of available photography this number is not exact but should be close enough to demonstrate that all remainder acres in the PPU were irrigated and no forfeiture has occurred within this set of rights.

- **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.