

MEMORANDUM

Date: August 13, 2013
To: Transfer 78405 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes transferring a 15.6 acre (0.25 cfs and 106.2 afa) portion of two ground water rights, 36-2668 and 36- 2467, from a farm located 10.3 – 11.3 miles east and 11.0 – 12.8 miles north of the center of Rupert; an 8.3 acre (0.10 cfs and 33.2 afa) portion of two ground water rights, 36-2453A and 36-13065A, from a farm located 1.9 – 2.6 miles east and 15.1 – 16 miles north of the center of Rupert; and a 2.5 acre (0.05 cfs and 10.0 afa) portion of a ground water right, 36-7699, from a farm located 4.8 – 5.3 miles east and 4.2 – 4.7 miles north of the center of Rupert to provide 26.4 acres (0.29 cfs and 105.6 afa) of ground water irrigation from a proposed well on a new farm located 12.6 – 12.7 miles east and 8.2 – 8.5 miles north of the center of Rupert.

All farms are located within the ESPA and a groundwater model analysis indicated no mitigation will be required.

All of the portions of the water rights split and moved in this transfer were leased to the water supply bank (WSB). Two of the rights, 36-2453A and 36-13065A were rented through 11/2015. The rental agreement was amended and these two rights along with 36-7699 have been released from the WSB. Rights 36-2467 and 36-2668 were rented after processing began on the transfer, but will be released from the WSB on 12/31/2013.

The Advertised transfer application was protested by the B.L.M. on 05/02/2013, due to the inclusion of two separate land descriptions describing both public and private lands on the transfer application. Protestant requested we condition the rights adjacent to public lands to state "Place of use does not include federal public lands." Additionally, two of the rights, 36-2453A and 36-13065A, were described on grounds formerly leased from the B.L.M. by the applicant. At the B.L.M.s request, the applicant submitted a new application for transfer to remove these acres from their water rights and the protestant agreed to withdraw the protest once the Department assigned a number to the transfer. That transfer, #78635, will be processed after this transfer is approved. Transfer #78635 seeks to rearrange the acres for rights 36-2453A and 36-13065A, removing the POUs from public lands. Protestant withdrew protest on 07/16/2013.

Overlap review indicates there are no other water rights appurtenant to the places of use for these rights. The Bell Farm (right 36-7699) is within the Minidoka Irrigation District service area. According to the applicant only ground water provided by this right is used to irrigate this property.

All four of the properties involved in this transfer are within the boundaries of Water District

130. Watermaster comments were solicited and received with no opposition to the approval of this transfer, provided Jeremy Smith submit a Measurement Plan to the Watermaster for the property the split portions of these rights are being transferred to. A copy of the plan is attached to the Watermaster recommendation in the application package.

- **Authority to File:** Applicants are listed as the current owners of all water rights involved in application for transfer. Applicants have deeded the lands at the new place of use to Jeremy Smith (see deed in file). The cover letter provided with the transfer application indicates that a change of ownership on the split portions of the water rights will be filed after the transfer is approved.
- **Water Right Validity:** Water rights 36-2467, 36-2668, 36-7699 and 36-13065A were decreed in the SRBA in 2001 and 36-2543A was decreed on 12/13/2000. A 0.020 cfs (78.0 af) portion of right 36-2467 and a 0.24 cfs (111.2 af) portion of 36-2668 were leased to the WSB for 5 years with lease beginning 11/01/2010. A 0.10 cfs (26.0 af) portion of right 36-2453A and a 0.02 cfs (7.2 af) portion of right 36-13065A were leased to the WSB for 5 years with lease beginning 10/18/2010. A 0.12 cfs (24.4 af) portion of right 36-7699 was leased to the WSB for 5 years with lease beginning 08/23/2010.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The application was subject to public notice and protest.
- **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