

MEMORANDUM

Date: November 21, 2012
To: Transfer 77712 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to add points of diversion (POD) and change the place of use (POU) for nine groundwater irrigation rights: **45-2383** (9.49), **45-7004** (6.4 CFS); **45-7118** (4.8 CFS), **45-7125** (3.14 CFS), **45-7186A** (6.12 CFS), **45-7317** (3.35 CFS), **45-13904** (10.07 CFS), **45-13981** (5.91 CFS), and **45-13982** (1.04 CFS). Applicant also proposes to change the POU for surface rights **45-690** for 3.2 CFS (Lunch Creek, Dayley Creek, & Unnamed Stream) and **45-691** for 0.85 CFS (White Creek). Currently, rights 45-7004, 45-7186A, 45-13904, 45-690 & 45-691 are limited to the irrigation of 1863 acres on a farm located approximately 7.4 to 10.2 mi. S & 3.8 to 7.0 mi. E of Burley. Rights 45-2383, 45-7118, 45-7125, 45-7317, 45-13981, & 45-13982 are currently limited to the irrigation of 1635 acres (26.42 CFS, 6540 AFA) on ground located the following approximate distances from Burley: 7.4 to 8.4 mi. S; 6.9 to 8.2 mi. S & 3.0 to 3.6 mi. E; 6.9 to 7.2 mi. S & 6.5 to 7.5 mi. E; 7.4 to 8.5 mi. S & 5.5 to 7.0 mi. E. Rights 45-2383, 45-7118, 45-7125, 45-7317, 45-13981, & 45-13982 are currently diverted from ten wells located the following approximate distances from Burley: 7.6 mi. S; 7.7 mi. S; 7.8 mi. S; 7.9 mi. S; 8.5 mi. S & 6.5 mi. E; 7.5 mi. S & 5.6 mi. E; 7.0 mi. S & 5.5 mi. E; 7.4 mi. S & 6.5 mi. E; 7.2 mi. S & 6.5 mi. E; 7.1 mi. S & 6.5 mi. E. Five wells, located the following approximate distances from Burley, supply water to the corresponding rights: 8.5 mi. S & 5.5 mi. E (45-7004); 7.5 mi. S & 5.3 mi. E (45-13904); 7.5 mi. S & 5.6 mi. E (45-13904 & 45-7186A); 7.5 mi. S & 5.6 mi. E (45-7004, 45-7186A, & 45-13904); 7.5 mi. S & 6.4 mi. E (45-7004, 45-7028, 45-7151, 45-7358, & 45-7338). Applicant proposes to allow diversion for any of the aforementioned groundwater rights from any of the aforementioned wells along with three additional PODs to create a common well system consisting of 18 total wells. The three additional wells are to be located the following distances from Burley: 7.6 mi. S & 5.7 mi. E (existing, currently inactive well); 7.3 mi. S & 3.5 mi. E (new well); & 7.5 mi. S & 6.3 mi. E (new well). Application proposes to change the POU of all the aforementioned rights to a 4,384-acre permissible place of use (PPU), comprising of ground located the following approximate distances from Burley: 7.4 to 8.4 mi. S; 7.0 to 8.1 mi. S & 3.0 to 3.5 mi. E; and 6.4 to 10.2 mi. S & 3.8 mi. to 7.4 mi. E. Delivery of water to certain areas of the proposed PPU will also include conveyance through the Burley Irrigation District (BID) system. Application also proposes changing the POU for the Stockwater components of rights 45-690 & 45-691 to the aforementioned proposed PPU. In total up to 49.01 CFS will be diverted from 18 wells and 4.0 CFS diverted from Lunch Creek, Dayley Creek, White Creek, and an Unnamed Stream for the irrigation of 3,498 acres within a 4,384-acre PPU. Proposed changes occur within the ESPA, Trust Water Boundary, and the Oakley Valley Water District (140) so watermaster comments will be solicited. It should also be noted that four wells located in TWP 11S RNG 23E Sec. 32 are located in the Oakley-Kenyon Critical Groundwater Area. Currently, these wells are limited to 2560 AFA and will continue as such. It should be noted that because the proposed changes cross model cell boundaries within the ESPA, a model analysis was requested. According to the December 30, 2011 letter that accompanied the application, the

model cells and details of the model were agreed upon during a December 2, 2010 meeting between Brockway Engineering & IDWR (Corey Skinner, Allen Merritt, & representatives from the State Office), and apparently represent the potential impact created by irrigation of 249 acres from the new well proposed in TWP 11S RNG 23E Sec. 26 SESESE. Because of the nature of the changes proposed in this transfer application, it is recommended that this transfer be processed with a public notice and protest period.

It should also be noted that after the application for transfer was accepted, a change of ownership for the four following rights were received: 45-2383, 45-7118, 45-13981, and 45-13982. After the ownership change these rights are now (with the corresponding parent): 45-2383 (45-2383), 45-14413 (45-2383), and 45-14414 (45-2383); 45-7118 (45-7118) and 45-14412 (45-7118); 45-13981 (45-13981), 45-14415 (45-13981), and 45-14416 (45-13981); and 45-13982 (45-13982), 45-14417 (45-13982), and 45-14418 (45-13982). When the ownership changes were processed, only the CFS & AFA were changed. Acre amounts and conditions were not edited and reflect the parent right. Conditions and acres will be updated with the transfer approval. The owners of the split portions agreed to allow MVCP to pursue the transfer under a signed December 22, 2011 Irrigation System and Water User Agreement.

- **Authority to File:**

The applicant, MVCP, LLC, is listed with the Department as the current owner on the following rights: 45-690, 45-691, 45-2383, 45-7004, 45-7186A, 45-13904, 45-13981, & 45-13982. The applicant is authorized to make changes to the following rights per an Irrigation System and Water Use Agreement, signed on December 22, 2011: Rights 45-7118 (Clifford Searle Family Trust), 45-7125 (Raymond & Sharol Searle), & 45-7317 (Kent Searle Family Trust). The application was signed by Kent Searle, who is listed as a current manager of MVCP, LLC.

- **Water Right Validity:**

Rights 45-690, 45-691, 45-2383, 45-7004, 45-7118, 45-7125, 45-7186A, 45-7317, & 45-13904 were partially decreed in the SRBA in May, 2005. Rights 45-13981 & 45-13982 were partially decreed in the SRBA in July, 2002. A review of recent aerial imagery indicates that the proposed changes occur on ground that appears to have been irrigated within the last five irrigation season, so forfeiture is not an issue.

- **Injury to Other Water Rights:**

None anticipated or foreseen. Application is subject to public notice and protest.

- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**

Proposed uses are recognized as a beneficial use of water.

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.