

AMENDED M E M O R A N D U M

Date: January 26, 2012
To: Amended Transfer 72373 File – Dry Creek Partners
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

(The amended application was received on January 25, 2012. It changed the size of the pond to 4 acres, reduced the corresponding diversion rate and volume, and put in additional irrigated acres.) Transfer 72373 changes the nature of use on a portion of 37-865A, currently authorized for the diversion of 1.03 cfs & 154.2 af storage and 138.0 af of groundwater recharge from storage from the Big Wood River, by converting 0.95 cfs & 189.6 af back to the irrigation of 47.4 acres, leaving 0.08 cfs as diversion to storage and 16.0 af for wildlife & aesthetic storage in a 4 acre pond. It also changes the pou for 37-865B currently authorized for the diversion of 4.57 cfs and 914.4 af from the Big Wood for the irrigation of 228.6 acres in Sections 3 and 10 to Sections 2 and 3. At first glance, this might appear to be an enlargement of 37-865A because of the increased volume. There was a previous transfer, 66912 approved in 2000, which changed 37-865A from an irrigation right of 1.03 cfs & 205.6 af for the irrigation of 51.4 acres to storage and groundwater recharge from storage. The volume for the change in use was figured at 3 af/ac instead of the 4 af/ac for irrigation in that area & the total volume for the right was reduced to 154.2 af. They are converting most of the right back to irrigation at 4 af/ac, and the remaining 4-acre pond volume will be calculated at the 3 af/ac for a total of 12 af of storage for aesthetic and wildlife. (The amended application seeks the old af rate for irrigation of 4 af/ac for the pond but the transfer approval for 72373 will reflect 3 af/ac for the 4 acre pond, per previously approved transfer 66912, for a total volume of 12.0 af.)

{Companion Permit 37-8894 has been amended from Groundwater Recharge and Groundwater Recharge from Storage to Aesthetic Storage and Wildlife Storage for the pond and is being processed along with this transfer. 18.1 acres to be dried up have been identified for the first-fill and subsequent refills of the pond under the amended permit. Another permit (37-8893) for stockwater and commercial uses for the dairy has been relinquished as part of these filings.} The location is approximately 5 miles north and 3.5 miles west of Gooding.

- **Authority to File:**

Application was submitted by Brockway Engineering on behalf of and signed by the applicants, Dry Creek Partners. IDWR Records show the water rights in the name of the applicants, Dry Creek Partners c/o Bill Novinger. The property ownership in the Gooding County Tax Lot information layer in Arcview also confirms this. Applicant stated there were no lien holders on the property.

- **Water Right Validity:**

Partial Decrees were issued for rights 37-865A and 37-865B on 9/29/2006. Previous transfer 66912 was never accomplished and the irrigation has continued along with construction of the small pond.

- **Injury to Other Water Rights:**

None anticipated. The previous transfer (5492/66912) added a condition about retaining the canal shares historically used on the lands previously irrigated (in this case, the pond area) and using them in the remaining irrigation place of use and allowing the irrigation overflow to return to Black Canyon Creek. It was decided to retain this condition (#5. in the approval document) to prevent injury. Condition 161(#6 in the approval document) was placed on the recommendation by AJ. Discussion with Carter indicated it would be necessary to retain this condition in order for water to be delivered under the right most of the time because the Big Wood River rights used below the Milner Gooding Canal actually receive water from the Snake River. He indicated **this is how it works:**

During most irrigation seasons, the Big Wood River is "disconnected" at what they call the bifurcation point. (The general area where the Milner Gooding Canal crosses the Big Wood River) Because the decreed rights below the bifurcation point can physically get water from the Snake River as well as the Big Wood River, these water users have agreed to take delivery of the Snake River instead of the Big Wood River water. This allows for "all" of the water available in the Big Wood River to be diverted above the bifurcation point, hence an exchange has occurred.

- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

No negative impacts anticipated.

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

Proposed use is 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.