

MEMORANDUM

Date: February 15, 2012

To: Transfer 77602 File – PKD

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

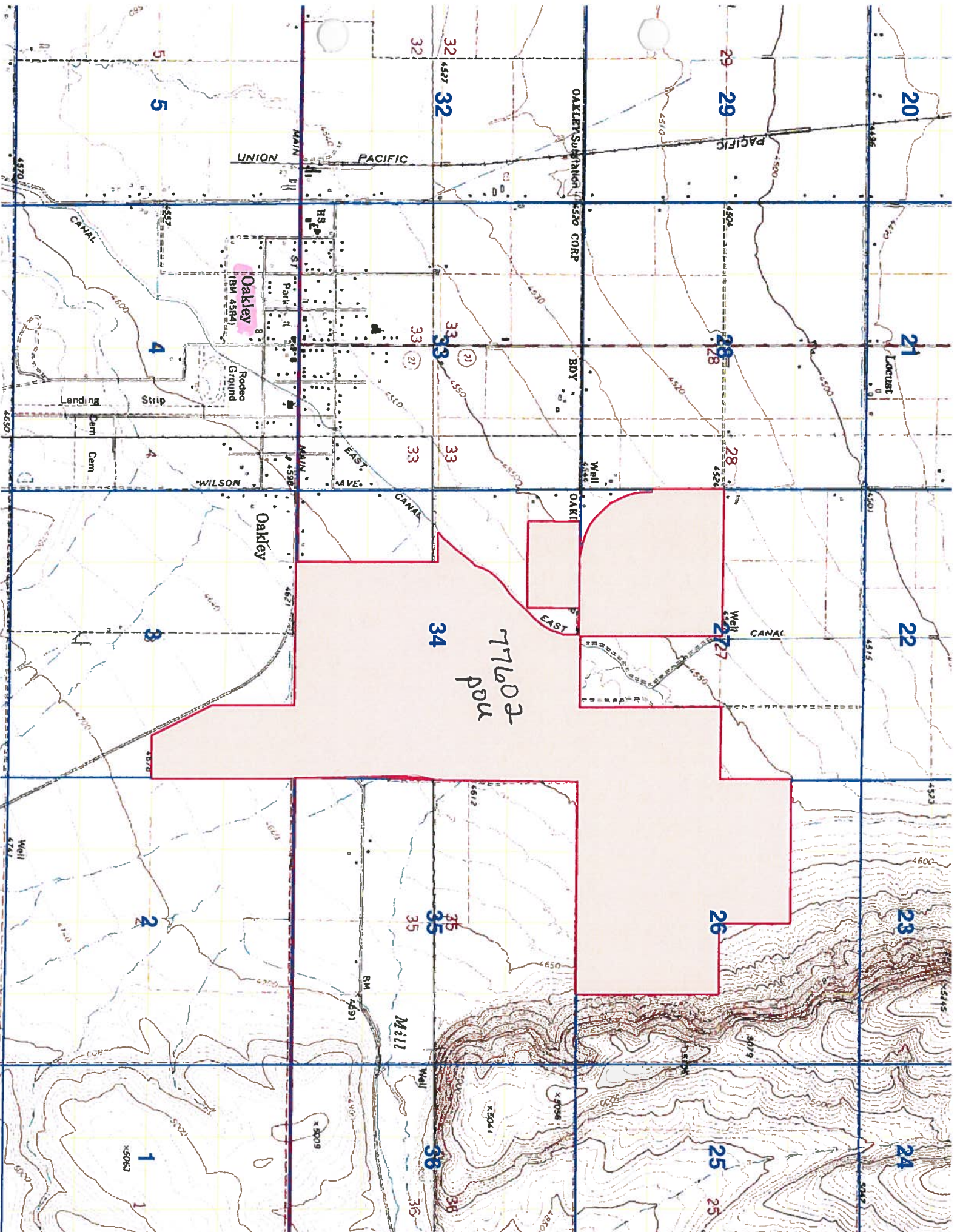
This transfer changes the place of use for fourteen water rights, currently authorized for a combined diversion rate of 27.94 cfs from surface and groundwater and places them in a permissible place of use of 1058.5 acres for the irrigation of a total combined limit of 942 acres. Nine of the rights are diverted from Mill Creek, one from Birch Creek, and four are groundwater rights. The nine surface water rights have a combined diversion of 19.94 cfs. (The GW rights were split up front and 16 acres were identified to be dried up at the old place of use and transferred in another transfer, 77601.) The groundwater rights will be limited to a combined diversion rate of 8.0 cfs, 1600.2 af, and the irrigation of 514.3 acres within the 1065.1 acres. (One of the groundwater rights is an expansion of the others with no additional rate or volume.) Birch Creek right, 45-88, was also split up front and 103 acres and 1.08 cfs were in Transfer 77601 under new right 45-14383 and the other 40 acres and 0.42 cfs are included in this transfer under new right 45-14384. The area is located within the Oakley Kenyon Critical Groundwater area and also falls within the Smooth Model Boundary of the ESPA. The place of use is located in an area between approximately ½ - 2¼ miles east and ½ mile south to 1¾ miles north of the center of Oakley. Only the place of use is changing so no advertising should be required.

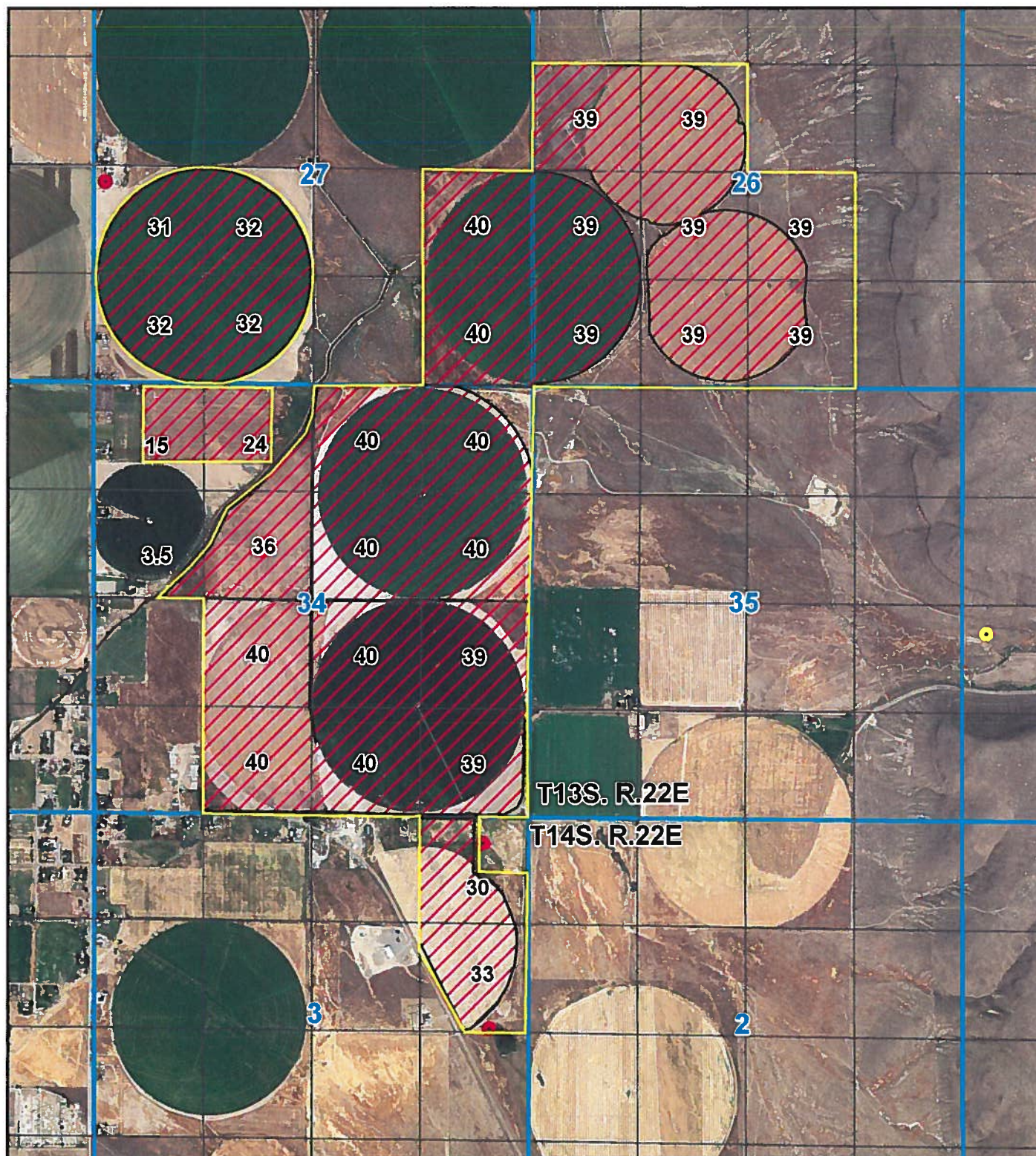
**The Mill Creek rights were part of the Basin Creek Adjudication and then rolled into the SRBA with the stipulation that no fees were required as long as they were claimed and decreed exactly as they were in the Basin Creek Adjudication. Consequently, overlap conditions were not included in the SRBA decrees. The analysis was done as part of the transfer and combined limits will be part of the transfer approval.

- **Authority to File:**
The application was filed by Greg Sullivan of Brockway Engineering on behalf of the applicants, PKD Properties, L.C., and signed by Paul Duncan. According to the Idaho Secretary of State Page, Paul Duncan is authorized to sign for PKD Properties, L.C. Deeds were submitted which show the applicants own the property where the rights are being moved. A letter of release from the lien holder, Northwest Farm Credit, was provided agreeing to the transfer.
- **Water Right Validity:**
The 9 SW rights from Mill Creek were decreed on 1/08/2007, the Birch Creek right on 5/18/2006 and the four GW rights (or their parents) were decreed on 5/3/2007 in the SRBA. Recent aerial photos of the area show the area has been irrigated so forfeiture should not be an issue.
- **Injury to Other Water Rights:**
None anticipated. The surface water rights from Mill Creek are within WD45A, the Birch Creek right is under WD45B, both under water master control and the groundwater rights are within WD140 so measurement and reporting is required and they will be under the jurisdiction of the water master of that district.
- **Enlargement of Use:**
None anticipated with proper conditioning and the measuring and reporting requirements.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Irrigation 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.

Basin	Sequence	Suffix	source	flow	combined	Total rate	volume	Total vol	Acres	comb ac	comb ac	Total ac
45	597		Mill Cr	1.2						160		
45	622	B	Mill Cr	5.15						793		
45	674		Mill Cr	0.8						160		
45	14223		Mill Cr	1.03						160	160	
45	14219		Mill Cr	1.37						339		
45	14221		Mill Cr	8.31						731		
45	14378		Mill Cr	0.31						74.9		
45	14380		Mill Cr	1.24						109		
45	14382		Mill Cr	0.11						34.1	109	109
45	14384		Birch Cr	0.42	19.94	19.94				40		40
45	14386		GW	2.57				514.00		128.5		
45	14388		GW	1.69				0.00		114.3		
45	14390		GW	0.76				152.80		38.2		
45	14392		GW	4.67				934.10		233.3	793	793
						27.94		1,600.90				942





0 750 1,500 3,000 Feet

**PKD PROPERTIES
PROPOSED PLACE OF USE TRANSFER 2012
NAIP 2011 AERIAL PHOTO**

BROCKWAY ENGINEERING, PLLC.
ALR - FEB. 27, 2012

Legend

- PKD_Proposed_PPU
- Points_of_Diversion**
- Mill Creek
- GROUND WATER PKD
- Surface Water POU 942 Acres
- Sections
- QQ Lines

