

MEMORANDUM

Date: February 9, 2012

To: Transfer 77601 File – PKD

From: Jeanie Robertson

Re: Evaluation of Sufficiency of Information Submitted

This transfer changes the place of use for nine water rights, currently authorized for a combined diversion rate of 4.22 cfs from surface and groundwater and places them in permissible place of use of 153.5 acres for the irrigation of 145 acres. Five of the rights are diverted from Birch Creek and will be limited to the irrigation of a combined total of 129 acres and 3.97 cfs. The other four rights are groundwater rights and will be limited to a combined diversion rate of 0.25 cfs, 49.1 af, and the irrigation of 16 acres. One SW right (45-88 for 1.5 cfs & 143 acres) was split up front and 1.08 cfs and 103 acres were identified to be included in this transfer, leaving a remainder of 0.42 cfs and 40 acres for a companion transfer, 77602. The GW rights were split up front and 16 acres were identified to be dried up at the old place of use. Another transfer, 77602, will rearrange the remaining acres in another PPU. (One of the groundwater rights is an expansion of the others with no additional rate or volume.) There are also 8.5 shares of Oakley Canal Company water associated with the place of use. 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 between approximately ½ - 1 mile east and ¼ - 1 mile south of the center of Oakley. Only the place of use is changing so no advertising should be required.

- **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 five SW rights were decreed 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 are within WD45B 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	comb vol	Total vol	Acres	comb ac	comb ac	Total ac
45	78	U	Birch Cr	0.15		0.15				112			
45	79	U	Birch Cr	0.25		0.25				112			
45	92	B	Crtch Spr	2		2				40			
45	10598		Birch Cr	0.49		0.49				129			
45	14383		Birch Cr	1.08	3.97	1.08				103			
45	14385		GW	0.08			16		16.00	4			
45	14387		GW	0.05			0		0.00	3.5			
45	14389		GW	0.02			4		4.00	1			
45	14391		GW	0.15	0.25	0.25	29.1	49.1	29.10	7.5			
						4.22			49.10				145

