

MEMORANDUM

Date: January 10, 2012
To: Transfer 77617
From: bjordan
Re: Transfer Evaluation

This transfer proposes adding a point of diversion to water right 21-7084. The applicant is seeking to add a point of diversion to current diversion system which will allow him to irrigate his farmland more efficiently. Over time, the applicants existing point of diversion and delivery system have become increasingly inefficient as a result of transporting irrigation water through a 1.6 mile leaky pipeline. Instead of locating and digging up sections of leaky pipeline, the applicant desires to add a point of diversion much closer to his irrigated farmland. The proposed place of use will remain the same. Applicant proposes drilling a new well in the SWSW of 08N, 42E, Section 32.

Authority to File:

The applicant is the current owner of the water right per IDWR record and taxlot data. The proposed point of diversion will be located on the applicants property.

Validity:

Decreed in 2009. Forfeiture is not an issue.

Injury to Other Water Rights:

The existing point of diversion and proposed point of diversion are within the ESPA model boundary, and are located approximately 6-8 miles North, North East of the City of Newdale, between the Falls River and Teton River. Water use under this water right is not regulated by a watermaster. An ESPA analysis was conducted for this transfer simulating 1105.0 acre feet moving from the existing point of diversion located in cell SP055199 to the proposed point of diversion located in cell SP057199. Model results show that mitigation would be required in the Heise to Shelley reach. According to the analysis there would be a depletion of 24.9 af/tri (132.5% of historical and 11.9% of total) in the Heise to Shelley reach. The analysis also indicates there would be a corresponding gain of 27.2 af/tri in the Ashton to Rexburg reach.

A similar transfer filed by the City of Newdale in 2009 (Transfer 76126) produced similar ESPA model results. A slight change in the point of diversion for ground water rights in the Newdale area resulted in a dramatic increase of impacts in the Heise to Shelley Reach. The department conducted a review of the City of Newdale transfer and ultimately decided to allow the transfer to proceed, in spite of the ESPA Model results. Shelley Keen prepared a memo in January 2010 setting forth the reasons for approving the City of Newdale transfer. Mr. Keens memo can be found in the backfile for water right 22-2217. The same factors that existed in the City of Newdale transfer exist in this transfer. In fact, because the Schwendiman farm is located 8 miles farther away from the South Fork of the Snake River than the City of Newdale, this transfer might make an even more compelling case. Therefore, this transfer will be allowed to go forward to approval without a mitigation requirement, consistent with the reasoning in Mr. Keens memo.

Enlargement of Use: There are no apparent enlargement concerns.

Local Public Interest: No issues identified.

Beneficial Use / Conservation of Water Resources: No issues identified.

Review of the application finds there is not clear inconsistency with the criteria set forth in Section 42-222, Idaho Code.