

MEMORANDUM

Date: October 27, 2011
To: Transfer 77570 File – Lowell Curtis
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer changes the place of use for 4 groundwater rights currently authorized for the diversion of a combined total of 3.0 cfs and 1461.0 af for the irrigation of 405 acres and places them in a 512-acre PPU. The acres were previously located on 3 pivots; one in the SE ¼ of Section 35, one in the NE ¼ of Section 2, and one in the NW ¼ of Section 1, and on two half pivots in the W ½ Section 25. The three pivots will remain the same and the land under the two half pivots will be moving from Section 25 to one pivot in the SE ¼ Section 26. (The property in the W ½ of the NW ¼ of Section 25 was sold dry in January of 2010 and is now a gravel pit. A copy of the deed showing it was sold dry was included with the application.)

It also changes the place of use for the *irrigation and irrigation from storage* on two surface water rights currently authorized for the combined diversion of 48.5 cfs from Deep Creek, Cottonwood Creek, and the Deep Creek Upper and Lower Reservoirs for the irrigation of 520 acres. The *irrigation* part will now be on all 6 pivots; the 4 mentioned above and one in the SE ¼ of Section 2 and the other in the SW ¼ of Section 1. (The pivot in the SW ¼ of Section 1 runs across the land of another and a copy of the agreement between the landowners was also included with the application.) The *irrigation from storage* will remain on most of their previous place of use in Sections 11 & 12, and now will also include the 6 pivots, as well as a possible future half pivot in the E ½ of the SW ¼ of Section 26.

I calculated the fees as ¼ of the groundwater diversion (0.75 cfs) and 2/3 of the surface water diversion (32.5 cfs) and came up with a total of \$2,580.00.

Upon approval, the final intent of this transfer is to have the groundwater on the four pivots to the north, the direct flow of the surface water rights on all six pivots and the irrigation from storage on everything.

Location of the proposed place of use is approximately 4 miles west of Hollister and extending up to 3 ½ miles south. I recommend no advertising necessary for this transfer as they are just shuffling acres around in the place of use.

- **Authority to File:**
The application was signed by Lowell and Julina Curtis, current owners of the property and water rights. There is no lien holder on the property.
- **Water Right Validity:**
The two surface water rights (47-200 & 47-201) were decreed on 6/19/2009 and the four groundwater rights (47-17254, -17255, -17256, & -17257) were decreed on 11/20/2009.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use of 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.