

MEMORANDUM

Date: September 8, 2011
To: Transfer 77452
From: jcooper
Re: Sufficiency Memo T77452

Application proposes to change the point of diversion (POD) and place of use (POU) for a portion of three groundwater irrigation rights: 45-14362 (45-2282) for 0.02 CFS & 3.4 acres; 45-14356 (45-2588) for 0.08 CFS & 7.3 acres; and 45-14359 (45-2599) for 0.05 CFS & 7.3 acres. Water rights have been split in the ownership change process to accommodate future transfers. Rights are currently appurtenant to ground located approximately 0.5 to 1.1 miles S & 0.6 to 0.9 miles W of the town of Murtaugh. Applicant proposes to split the existing rights to allow for up to 7.3 acres of irrigation on ground currently owned by three adjacent landowners and also remove three authorized points of diversion from the split portions. The place of use for the split portion will also be adjusted to reflect current irrigation practices. No additional ground will need to be dried up since applicant is only proposing an adjustment to the existing acres on the adjacent ground. Rights indicate that these rights are combined with water from the Twin Falls Canal Company (TFCC). Applicant provided information that shares were neither appurtenant to nor utilized at the farm. Proposed changes occur within the ESPA, Trust Water Boundary, and the Oakley Valley Water District (140) so watermaster comments will be solicited. Because of the nature of the changes proposed in this transfer application, it is recommended that this transfer be processed without a public notice and protest period.

· Authority to File:

The Departments database indicates that water rights 45-2282, 45-2588, and 45-2599 are owned by Farmland Reserve Inc. According to the deed filed with the ownership change in 2007, the whole of the rights were sold to Farmland Reserve, although they are currently located on ground owned by adjacent landowners. An agreement was filed with the application signed by the affected neighboring landowners (Daniel & Carla Cummins; Logan & Linda Cummins) allowing for Farmland Reserve to pursue the transfer. Upon approval of the transfer, a deed will be granted to these owners allowing them to file an ownership change.

· Water Right Validity:

Rights 45-2282, 45-2588, and 45-2599 were partially decreed in the SRBA in May of 2005. A review of recent aerial imagery indicates that the proposed change occur on ground that has been irrigated within the last five irrigation seasons. In addition, an extension of time to avoid forfeiture was granted in June of 2010 in effect until November 15, 2014, so forfeiture is not an issue.

· Injury to Other Water Rights:

None anticipated or foreseen.

· Enlargement of Use:

None anticipated.

· Local Public Interest:

No issues 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.

	Acres	%
Cummins	7.3	3.4
Commercial	4.8	2.2
Remaining	204.9	94.4
Total	217	100.000

	Parent	Children	CFS	AFA	Consumptive AFA	Acres	Owner
	45-2282	45-14361	0.02	7.6	6.7	2.2	Commercial
CFS	0.7	45-14362	0.02	11.6	-	3.4	Cummins
AFA	341.6	45-14363	0.66	322.5	-	94.4	Remaining
Acres	100	Totals	0.70	341.6	6.7	100	
	45-2588	45-14355	0.05	19.2	14.5	4.8	Commercial
CFS	2.25	45-14356	0.08	29.2	-	7.3	Cummins
AFA	868	45-14357	2.12	819.6	-	204.9	Remaining
Acres	217	Totals	2.25	868	14.5	217	
	45-2599**	45-14358	0.03	14.9	14.5	4.8	Commercial
CFS	1.39	45-14359	0.05	23.1	-	7.3	Cummins
AFA	678.2	45-14360	1.31	640.2	-	204.9	Remaining
Acres	217	Totals	1.39	678.2	14.5	217	

*Based on Alfalfa/Kimberly=3.02 AF/A

**The decreed amount of 868 AFA cannot be produced by a flow of 1.39 cfs. Total AFA would be limited to 678.2.

Combined Limits

Parent Rights	AFA	Acres
45-2282	868	217
45-2588		
45-2599		

Cummins	AFA	Acres
45-14362		29.2
45-14356		
45-14359		

Commercial	AFA	Consumptive	Acres
45-14361	19.2	14.5	4.8
45-14355			
45-14358			

Remainder	AFA	Acres
45-14363		819.6
45-14357		
45-14360		