

memorandum

April 30, 2009

TO: Water Right Files 36-7275 and 36-7945

FROM: Cindy Yenter, Water District 130 Watermaster 

CC: Aaron Marshall (State Water Supply Bank)

RE: Overlap Analysis with A&B Irrigation District Rights

The above two rights are licensed within Tract B, Section 22, T08S R25E, Minidoka county. Tract B is a legal subdivision situated primarily within the SE1/4, NESW, SENW and S1/2NE1/4 of Section 22. Lands are within the A&B Irrigation District (ABID); Tract B also receives ABID water from two wells located in NWNW Section 23.

The 1958 ABID tract map identifies 159.8 acres of irrigable lands within Tract B. Dan Temple, ABID manager, has confirmed that prior to 2005, deliveries of ABID water to Tract B were obligated for 159.8 acres. An additional 114.4 acres is identified on the original plat as non-irrigable land, high land, or BLM reserve land. These lands were not irrigated at the inception of the ABID project. Over time, as a result of land leveling and sprinkler irrigation practices, this 114 acres was also placed under cultivation.

Permit 36-7275 was acquired in 1972 for 114 acres and in 1980, permit 36-7945 added 25 acres to be diverted from the same well. The beneficial use examinations were conducted for both in 1981. Each right was licensed exactly as permitted, for a total of 139 acres irrigation from a private well, used in combination with ABID water.

The irrigated acres under the two private rights 36-7275 and 36-7945 do not overlap one another, but they do appear to overlap with the ABID rights, in an amount approximately equal to the 25 acres under right no. 36-7945. There are presently a total of 274.1 cultivated acres within Tract B, and a total of 298.8 acres of ground water irrigation rights. The difference of 24.7 acres represents acres which are authorized to be irrigated by both the ABID rights and the privately held rights.

The beneficial use exams did not provide analysis of the water right overlap with ABID. It is possible under Idaho law for multiple water rights from ground water to be issued appurtenant to the same lands. In this case, the ABID ground water rights are diverted from separate wells than the two private rights. If the ABID wells were not able to supply adequate water for 159.8 acres, diversion could occur from the private well for 25 overlapping acres. However, because the ABID rights are senior in priority to the private rights, right no. 36-7945 would have to be considered supplemental to the ABID rights.

In 2006, after Mountain View Land acquired the two rights 36-7275 and 36-7945, the owner of Tract B completed a district transfer of 114 acres of ABID water to replace the private rights. Currently, all acres within Tract B are irrigated with ABID water. The well used by the private rights appears to have been dismantled and/or abandoned. This needs to be confirmed by WD130. Water right no. 36-7275 was placed in the State Water Supply Bank and has been partially rented each year back to Mountain View Land. No action was taken with 36-7945 and it remains unused. If this right is leased to the Bank, it needs to be flagged as a supplemental right.