

MEMORANDUM

Date: May 12, 2011
To: File
From: Nick Van Dyke
Re: Analysis of Transfer 73717, John Reitsma

Narrative: Transfer proposes to change a point of diversion, the place of use, and the nature of use for a portion of water right 47-8011A from irrigation to commercial/stockwater. 47-8011A is a supplemental groundwater right for 1.87 cfs and 146 acres (acre-feet amount n/a) appurtenant to the NE¼ of Section 13 T12S R16E, roughly 3.5 miles northeast of the town of Hollister. The right has two current points of diversion, both in the SESE of Section 12 T12S R16E. One point of diversion will move to the NWNWSE and the other will be further defined to the SESESE, both remaining in the same sec/twp/rge. 44.4 acre-feet is to be transferred into existing dairy facilities, constituting both the place and nature of use change. 30.1 acres will be dried to cover the nature of use change; further explanation of how the number of acres to be dried was determined will follow below. Salmon River Canal Company (SRCC) surface water rights overlap the place of use and canal water is delivered to the place of use/farm. In general, the irrigation system consists of two wells; one well open discharges into a ditch that connects and comingles with SRCC water that is then routed to a pond; a second well open discharges directly into the pond. Water is then re-lifted from the pond and pressurized. The system irrigates additional ground beyond 47-8011A. The application was originally received in October of 2005 and has since gone thru several amendments.

Note the last amended transfer, submitted 4/11/2011, lists 0.58 cfs/44.4 acre-feet/45.4 acres (acres being dried) to be transferred. While the 44.4 acre feet amount remains the same, revisions in calculations were made several times to the rate and acres thru correspondence with the applicant's representative, Greg Sullivan of Brockway Engineering. Final rate and acre amounts to be transferred are 0.39 cfs and 30.1 acres.

$$\begin{aligned} 1.87 \text{ cfs}/146 \text{ acres} &= 0.013 \text{ inch per acre} \\ 30.1 \text{ acres} * 0.013 &= 0.39 \text{ cfs.} \end{aligned}$$

History: The farm was developed in all of Section 12 T12S R16E and the NE¼ of Section 13 T12S R16E. In 2001, William Loughmiller/Loughmiller Inc. sold the NE¼ of Section 13, which 47-8011A is fully appurtenant, to Manuel Faria. Faria later quitclaimed 47-8011A back to Loughmiller on 10/10/2005. Loughmiller then filed the transfer application 10/31/2005. Loughmiller then sold all of Section 12 along with the east ½ of the NW¼ and the NESW of Section 13 to Reitsma on 1/4/2006 and quitclaimed/executed the assignment of the application for transfer on 2/10/2006.

Authority to File: John Reitsma is the owner on record for 47-8011A and signed the application. Greg Sullivan of Brockway Engineering is listed as an authorized representative.

Water Right Validity: 47-8011A was licensed 8/26/2005. 2009 aerial imagery shows the place of use as irrigated. No evidence of forfeiture.

Injury to Other Water Rights: None anticipated. Groundwater withdrawals will not increase and the change in point of diversion to one of the wells is only about a half mile and actually moves the point of diversion further away from surrounding wells. Note Part 1 of the last amended transfer mistakenly designates one of the wells to be in the SWSESE, while the map places it in the SESESE. I verbally confirmed Mr. Sullivan the SESESE is the correct location.

Enlargement of Use: An extensive analysis was done to ensure there would not be an enlargement of use resulting from the transfer. The transfer proposes to change a portion of the supplemental irrigation right to a primary stockwater/commercial right. Transfer Processing Memorandum No. 24 lays out criteria an application of this type must meet in order to be processed. The criteria that had to be met with this application were as follows (not copied verbatim):

- An application for transfer proposing to change a supplemental irrigation right to a use as a primary right for irrigation or other use will be presumed to enlarge the supplemental right. An exception is when the applicant can clearly demonstrate, using historic diversion records, or other convincing water use information, that there would be no enlargement of the water right being changed or other related water rights.
- When it is necessary to determine the historic consumptive use under a supplemental right, the average annual historic consumptive use, over an appropriately representative time period not less than five years but that may require greater than five years, will be the basis for the volume available for transfer.
- If an application proposes to change only a portion of a supplemental irrigation right to use as a primary right, the application is not approvable unless the extent of beneficial use under all associated rights prior to the transfer will be proportionately reduced or transferred to another place of use to avoid enlargement of the remaining portion of the supplemental right.

In order to ascertain to what extent 47-8011A could be considered primary, SRCC delivery records were obtained from years 1999-2005. Theoretical PCC calculations taken from Idaho Power records were used to estimate the amount of ground water pumped in years 2000, 2002-2005. For year 2001, Loughmiller took part in an Idaho Power buyout program and diesel generators were used to power the pumps. Financial records were submitted to support this. In the Estimate of Ground Water vs. Surface Water Irrigation attachment to Brockway's 2/3/2011 letter and later 5/2/2011 email, acre-feet applied to the whole farm in both groundwater and surface water was tallied and compared to the number of irrigated acres for years 2000-2005. An average of 72% groundwater and 28% surface water applied was calculated, which, after reviewing information submitted, appears accurate. The consumptive use value, discussed in the next paragraph, was then multiplied by a factor of 0.72 to avoid enlargement.

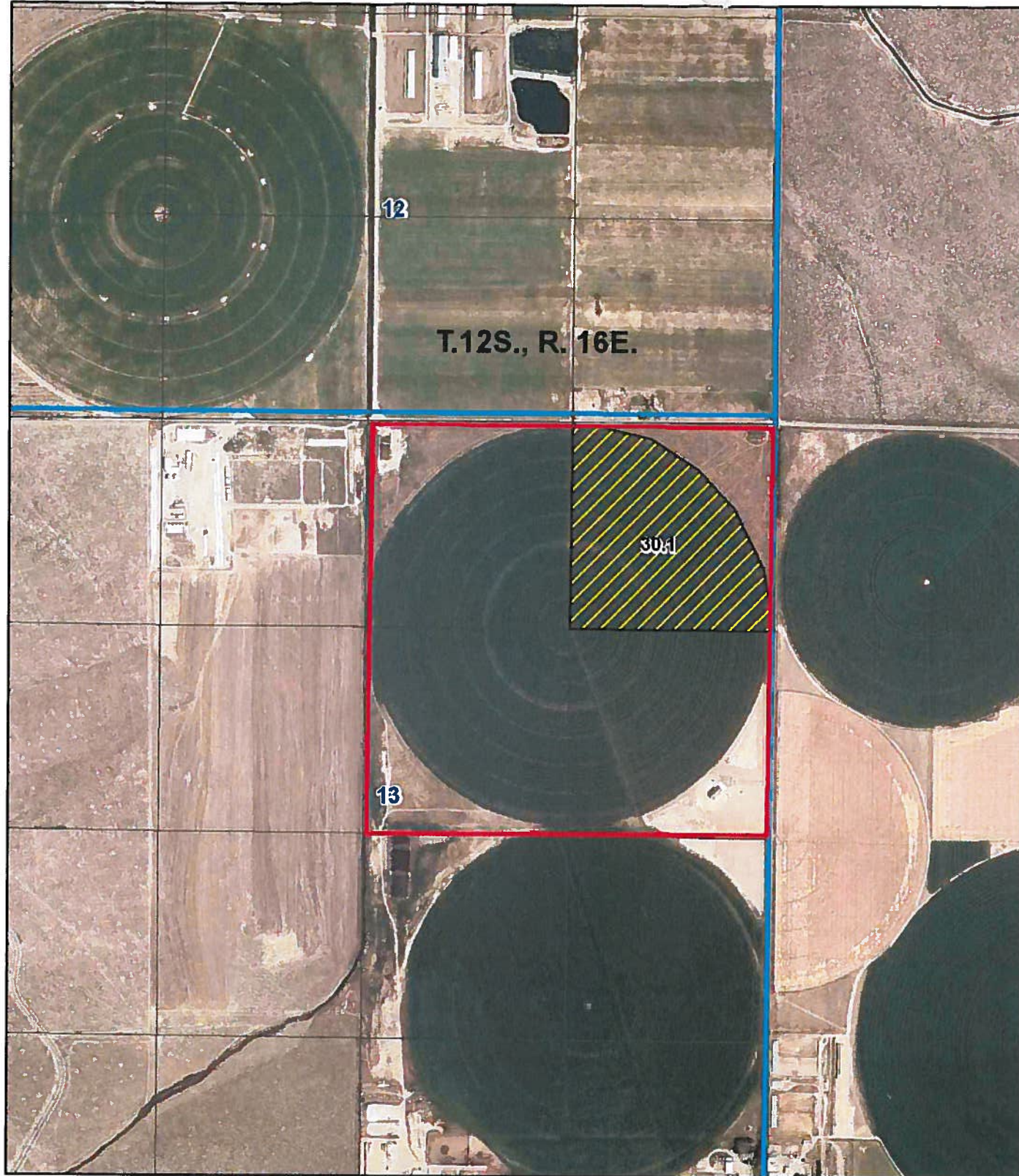
In the initial proposal, alfalfa was used for the crop to determine the average historic consumptive use. As directed by Transfer Memo No. 24, the average annual historic consumptive use must be used. In the revised Summary of FSA Records and Consumptive Use Analysis attached to the 5/2/2011 email, crop types and respective consumptive values were tallied and averaged to attain a historic consumptive use value of 2 acre-feet/acre. Years 2000-2004 were chosen for a final consumptive value of 2.05. I recommend this to be mute because it is in fact a representative 5 year period and if 2005 is included, the acres needing to be dried changes from 30.1 to 30.8, a minor difference.

Bullet three above dictates if a portion of a supplemental right is to be transferred and used as a primary, all associated rights must be proportionately reduced or transferred away from the remaining portion of the supplemental right to avoid enlargement. In this case the associated rights are canal rights/shares from SRCC. As described above, the two sources are co-mingled in the pond that is part of the irrigation system, making it somewhat difficult to proportionately reduce the SRCC water used in the pivot that is the remaining portion of the supplemental right. However, I believe the reduction will be accomplished. If 47-8011A was a primary right, only 21.7 acres would need to be dried ($44.4 \text{ af} / 2.05 \text{ afa} = 21.7 \text{ acres}$). However, because only 72% is primary, 30.1 acres are required. If the 30.1 acres are completely dry, in effect the canal water has been proportionately reduced by leaving that difference of

8.4 acres (30.1-21.7), completely dry. In other words, take the 8.4 acres, consider the groundwater already taken off, and then also peel away the remaining surface water, and you have the proportionate reduction preventing groundwater, comingled with the surface water, from being applied to the 8.4 acre chunk.

Local Public Interest: No issues identified. Application will be advertised.

Beneficial Use/Conservation of Water Resources: No issues identified. Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



JOHN REITSMA
DRY UP AREA UNDER 47-8011A
NAIP 2009 AERIAL

BROCKWAY ENGINEERING, PLLC.
ALR - MARCH 22, 2011

Legend

- Sections
- t12s18e
- 47-8011A_WRPOU
- Dry up Area 45.4 ac

