

MEMORANDUM

Date: February 7, 2011
To: Transfer 76226 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 9.0 acre portion (0.17cfs) of three groundwater rights from a farm located approximately 7.2-8.0 miles south and 0.75-1.5 miles west of the center of Kimberly to commercial use associated with the Betaseed facility located approximately 1.5-1.7 miles south and 0.8-1.0 miles west of the center Kimberly. The transferred portion of the rights (0.17cfs) and the existing domestic and stockwater right 47-12767 (0.04cfs) for a total of 0.21 cfs will be diverted from an existing well at the facility and a new well to be drilled. The irrigation to commercial and stockwater use conversion was based on an acre to volume conversion factor of 3.02 af/acre taken from the University of Idaho crop consumptive volumes for alfalfa for 9.0 acres for the Twin Falls area. This was based on information received from the USDA that new seeding alfalfa was being grown on the farm. For water right 47-17564 the conversion volume was based on the percentage of the 3.02 conversion factor divided by the allowable diversion volume of 4.0 for the area times the allowable irrigation diversion volume for right 47-17564. The wells involved with the transfer are located outside the ESPA smooth model boundary area so a ground water model analysis is not required. The three groundwater rights, 47-17554, 47-17559, and 47-17564 involved with the transfer were split up front from the parent rights 47-17512, 47-17510, and 47-17514 for processing of this and three other transfers. These rights (47-17554, 47-17559, and 47-17564) all include a condition indicating that they are combined with Twin Falls Canal Company water. However, the application includes a letter from the Twin Falls Canal Company indicating the limited number, and a specific location of shares on the original place of use. Note that the three groundwater rights, involved with the transfer allow for the total irrigation of 9.0 acres and that the letter from the canal company indicates that there are only 100 shares of water on 217.1 acres total of the parent rights. Further more, the canal company letter also identifies the specific lands that these 100 shares are appurtenant to. Note that the 9.0 acre portion of the three groundwater rights proposed to be transferred does not overlap the specific lands that the 100 canal company shares are appurtenant to. It should also be noted that the Department has previously approved similar types of transfers in the past involving portions of these same three groundwater rights.

- **Authority to File:**
Applicant has submitted warranty deeds for the proposed place of use that also provides proof of ownership of water right 47-12767. The application includes a copy of a purchase and sales agreement for the rights being transferred from the current owner to the applicant.
- **Water Right Validity:**
Rights 47-12767 was decreed 6/25/1999. The rights involved 47-17554, 47-17559, and 47-17564 with the transfer were decreed in 2009.
- **Injury to Other Water Rights:**
None anticipated. Transfer will result in a reduction in the maximum allowed diversion volume.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses 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.