

MEMORANDUM

Date: February 11, 2011
To: Transfer 77006
From: bjordan
Re: Transfer Evaluation

This transfer proposes to add a point of diversion for water right 34-4010. The applicants are seeking to add a ground water point of diversion in the SWSW of 06N, 25E, Section 25 to more efficiently irrigate ground west of the dairy farm. The applicants are seeking to only divert 0.74 cfs from the new point of diversion. A new well will be drilled.

Authority to File:

Applicants are the current owners of water right per IDWR record and property per Custer County taxlot data. Loy Pehrson signed the application.

Water Right Validity:

Decreed in 2001. A portion of this ground water right has undergone a period of five or more consecutive years of non-use. A review of IDWR aerial photography and land sat-imagery, showed there is approximately 171.6 out of 183.0 acres that have been irrigated under water right 34-4010. The 11.6 acres that have not been irrigated in the past five years are located in the SWSW, SESW and SWSE of 06N, 25E, Section 25. The non-use occurred as a result of the once irrigated farmland being replaced by driveways, corrals and a pasture. This occurred sometime prior to the 2005 irrigation season. The partial forfeiture issue was discussed with Loy Pehrson (applicant) who recognized that the portion of water right 34-4010 appurtenant to the driveways, corrals and a pasture located in the SWSW, SESW and SWSE of 06N, 25E, Section 25 has undergone a period of five or more consecutive years of non-use and accepts them as being forfeited. Water right 34-4010 will be reduced to 3.41cfs, 600.6 acre-feet for the irrigation of 171.6 acres.

Injury to Other Water Rights:

Inside the ESPA and within WD 34. The existing POD and proposed added POD are within adjacent cells. No ESPA analysis required.

This transfer was advertised and there were no protests. The watermaster does not oppose transfer. The watermaster asks that a flow meter that measures both flow rate (cfs) and volume (acre-feet) be installed.

Enlargement of Use:

The applicants have several associated surface water rights that overlap ground water right 34-4010. The associated surface water rights and ground water right 34-4010 when combined are limited to a total diversion rate of 17.64 cfs and the irrigation of 670.0 acres. Forfeiture of 11.6 acres under water right 34-4010 will not necessarily result in forfeiture of any irrigated portion of the associated surface water rights. The unavailability of surface water during much of the irrigation season would likely preclude a finding of forfeiture on the surface water rights anyway. Because the surface water rights are not involved in this application, there is not a need to do a full-scale analysis of the extent of irrigation under the associated surface water rights.

Local Public Interest:

No issues identified.

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Beneficial Use / Conservation of Water Resources:
No issue 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.