

MEMORANDUM

TO: Transfer No. 76262

FROM: Sharla Curtis

DATE: April 13, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to move the water right to applicants land and to utilize an existing well on the applicants property. The site is adjacent to Pearl Rd located approximately three (3) miles west of Shadow Valley Golf Course.

Contact person for the applicant is Roxanne Brown of SPF Water Engineering.

Summary of Information Submitted

Authority to File: Special Warranty Deed for Water Right was submitted along with other chain of ownership documentation allowing the pre-transfer split of 63-31216, with right 63-33360 becoming the portion held by Mr. Stillwell.

Water Right Validity: Right presumed to be valid because previous transfer was approved in 2004 and conditioned that the move of the place of use under the transfer was to occur within one year (irrigation season of 2005); transfer processing is now occurring within the five year period from that point. Confirmation of irrigated acres below the canal can be made with 2004 aerial photography; 2006 and 2009 aerial photography also confirm what appears to be pasture-type irrigation. See below for more discussion regarding the place of use under the existing right.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement is proposed; rate, volume and acres remain the same.

Local Public Interest: Irrigation of lawn and small acreage development for a homesite is considered to be within the local public interest

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Discussion

As stated above, confirmation of previous irrigation under this right became a little confusing when reviewing the original license (63-11027 which was then split into 63-31215 and 63-31216) ownership changes and previous transfers (which split 63-31216 into 63-33359 and 63-33360, with 63-33360 being the right used under this transfer). Attached to this memo are copies of pages from the original license file which I used in my attempt to determine the acres available for transfer under this right.

The examiner indicated in 1991 that 16 acres had been added to the system through field leveling, etc. Thus the right was considered an expansion of development under 63-7421 and was licensed accordingly. The acres already licensed in Section 5 totaled 65. Using ArcGIS, I could account for approx. 8 additional acres within the $\frac{1}{4}$ $\frac{1}{4}$ s licensed. While I believe the examiner was perhaps over-generous in his acre calculations and averages, there are acres available for this transfer. The shapefile created during the last transfer of 63-31216 has been corrected to identify all acres irrigated BELOW the canal in line with the examiners maps rather than the shape being for non-irrigated acres above the canal as was shown before this correction.

I acknowledge that some of these acres in that shapefile now overlap the shape of 63-7421 and 63-31214 rather than appearing to be all new acres, but bottom line is that there are acres available for this transfer within the place of use described by 63-31216. Further, the Quitclaim Deed conveyed all water rights exceeding the 107 acres appurtenant to the $S\frac{1}{2}$ $SE\frac{1}{4}$, S6 and the $S\frac{1}{2}$ $SW\frac{1}{4}$ and the SWSE, S5 under rights 63-31214 and 63-32851. The 6 acres are being removed from those identified under the corrected shape for 63-31216.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval. Condition 046 n/a since a new well(s) is not proposed.

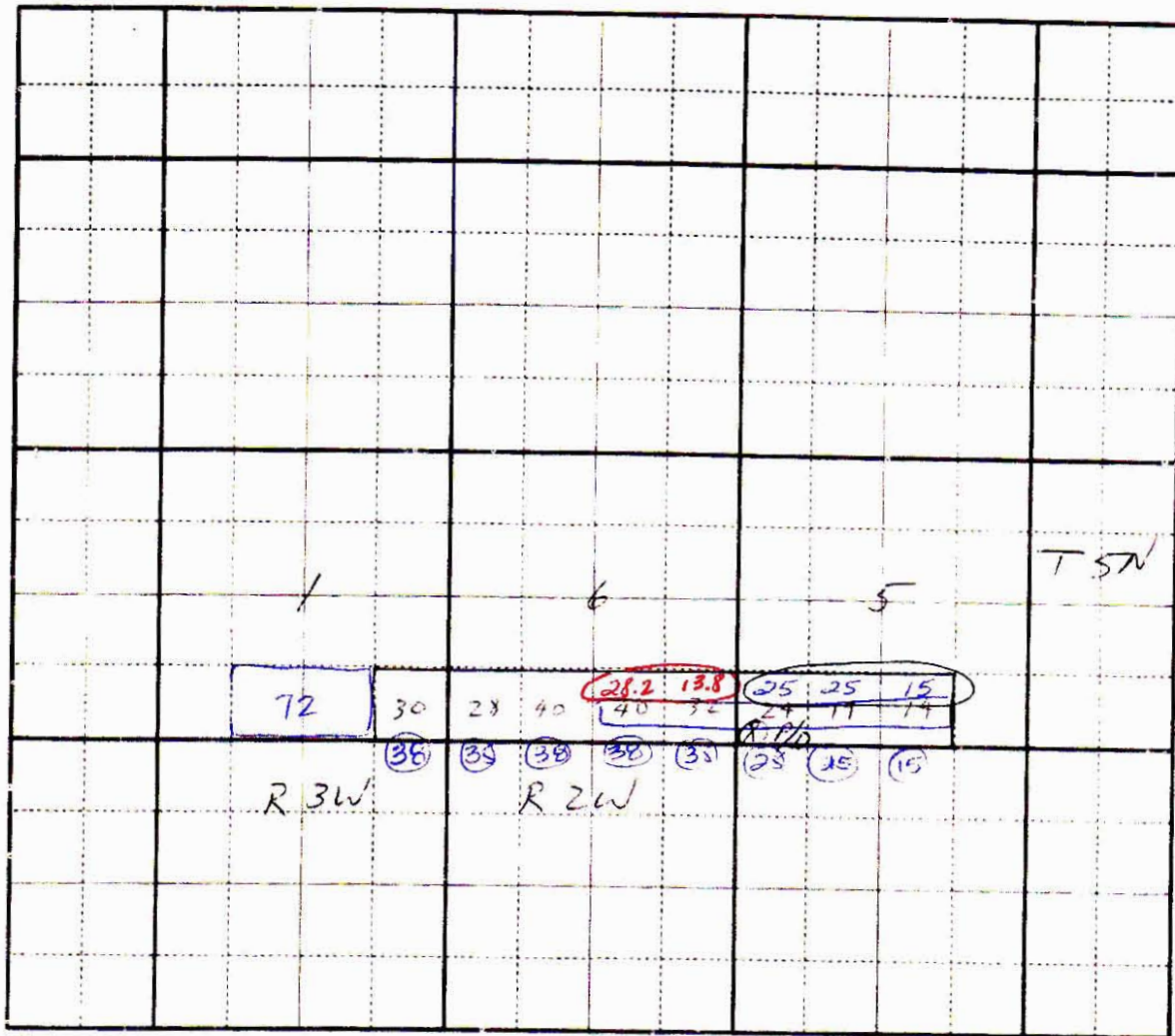


Diagram of System

249 ac under 63-7421

~~227 ac.~~
~~75 ac. referred~~
~~142~~
~~107~~ retained
 by Jale
 under 31214
 #32851
 42 ac.

129
 -107
 22

Review
 Memo Attachment A
 (7 pages)
 63-7421 backfile AI

H. REMARKS AND OVERLAP REVIEW ANALYSIS

it converts to an 8" surface mainline. The 10" and 8" lines lead three - 6" surface mainlines that provide water to Wheelbarrow for sprinkler irrigation. Measurements were taken at two locations of handlines with 8" nozzles on 16 lines with 32 heads each and averaged 5.7 psi. This permits an expansion of 63-7421 to cover 16 acres added by the surge through field leveling to expand current fields. The owner does not agree with ASCS computations and this permit to increase expansion was confirmed with a planimeter and ASCS aerial map. This well replaces an old well that is now used for domestic and stock water. (See attachment for overlap analysis)

I. RECOMMENDATIONS

1. Recommended Amounts

This rt. when combined with rt. no. 63-7421 shall provide no more than 4.98 cfs. DER

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-15	11-15	.24 cfs	72 afa

Totals: .24 cfs - 72 afa -

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Melvin T. Schulte

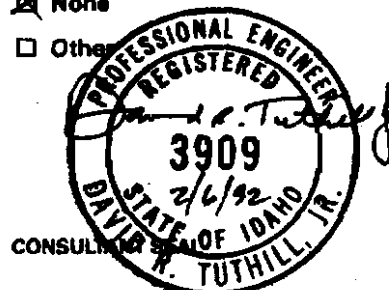
Signature

Melvin T. Schulte

Certification Date

Field Report Preparation Date

12-10-91



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

RECEIVED

JUN 13 1992

A2

MEMORANDUM

*Reviewer's
Notes*

DATE: 2/1/00

FROM: Lori Graves

TO: Reviewer

RE: Transfer (63-07421, 63-11027) and Application on Hold

Chris is transferring irrigation water from 75 of his licensed acres in the S ½ S5 to leased property in the N ½ NW S7, T5N R2W. If the processing hold is lifted, Chris has an application for permit on hold for a new well to irrigate the lands retired in the transfer. Chris plans to purchase the leased acres in S7 in the near future. If he fails to purchase the property, he will transfer the acres back to his land in S5 at the end of his lease agreement.

The attached ortho photo visually confirms irrigation in 1987 for applicant's property. An SRBA claim was filed in 1989 for 63-07421 as licensed. A claim was not required for 63-11027. The licensing exam for 63-11027 was made in 1991, confirming irrigation on 265 total acres under both rights.

MICROFILMED

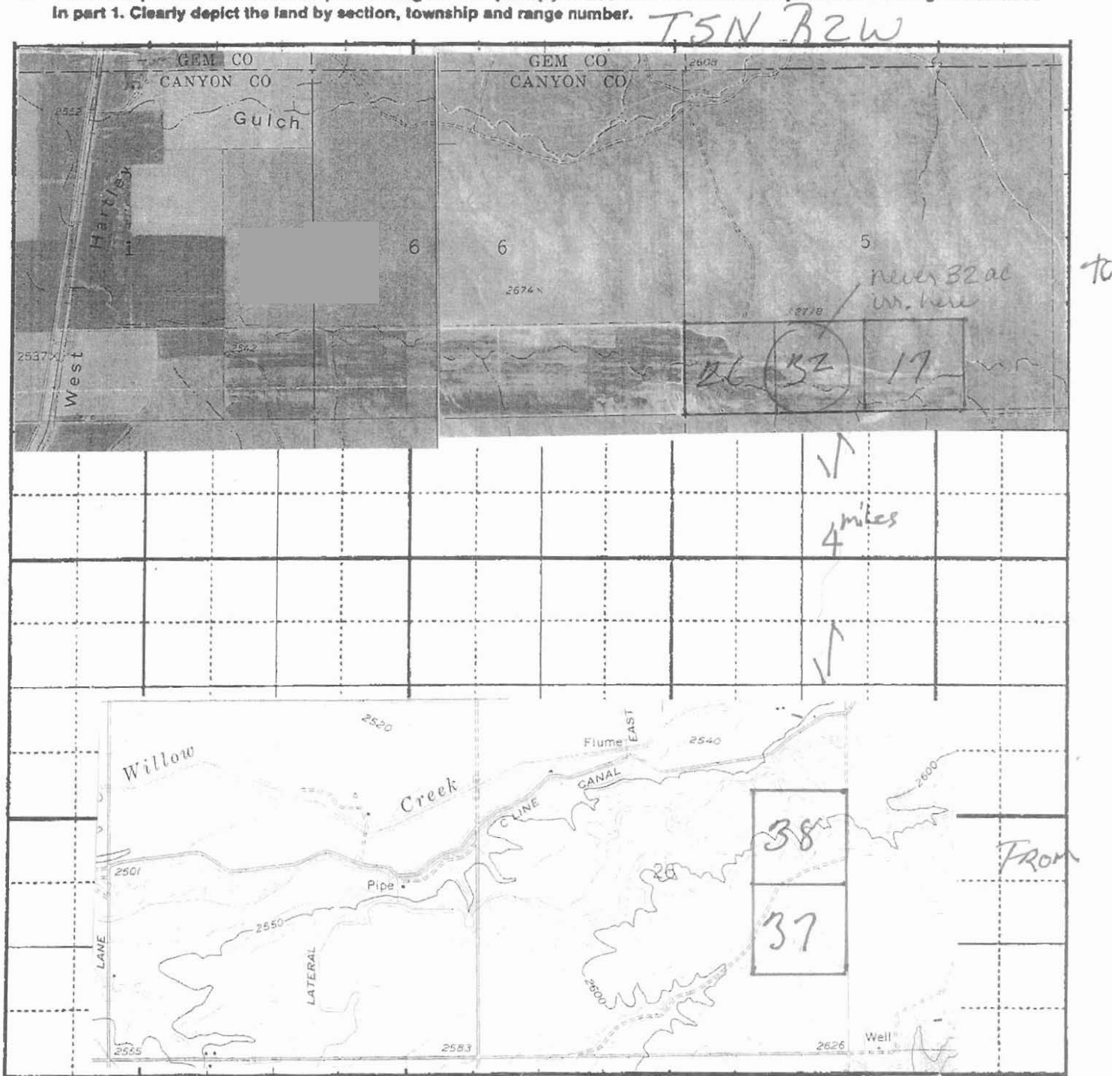
SEP 07 2001

A3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

approved
5/04

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



63-11027 OVERLAP ANALYSIS

Old flow rate licensed under 63-7421 =

249 acres @ 4.98 cfs = .02cfs per acre

New flow rate per measurement for 63-11027 =

265 acres @ 4.03 cfs = .015cfs per acre

Old application rate of .02cfs is greater than new rate of .015cfs, therefore new rate of .015cfs is applied to expanded acreage under 63-11027. The system capacity of 4.03cfs should be a limiting factor.

Flow rate for 63-11027 = 16 acres x .015 = .24cfs -

MICROFILMED
JUN 13 1994

AS

PERMIT 02-11027 UNIT _____

T. R. S. Q/Q

P/D _____

SCALE _____

PHOTO ID. _____

31

31

32

7753

Hartley

CO

GEM CO

CANYON CO

Gulch

6

5

2674x

P/U

P/U

P/D

n/u

7

8

2682

2686

2703

G-LINE

CANAL

75.3
76.3
74.6
75.1
76.1
76.5
75.8 ac

109.6
110.6
110.8
112.6
111.4
112.1
111.0

R 2 W

79.3
77.2
82.3
79.8
78.1
78.1
80.7
77.9 ac

63-11027

3 76 Acres 74

2 111 Acres 109



1/6

109.0

6.5

7.8

61.7

16

265 ac
taken from 63-11027