

MEMORANDUM

TO: Transfer No. 76248 File

FROM: Angie Grimm

DATE: February 26, 2010

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add 2 new P/Ds and create a PP/U for the rights proposed for transfer.

The site is generally located west of S 18th St E between E 42nd St S and Clover Hollow Rd approximately 4 miles south of Mountain Home.

Contact person for the applicant is Jason Helms of Thompson Engineering, Inc.

Deviations from Transfer Policy Standards

The current standard volume per acre amount for this area is 4.0 af/ac. The transfer approval has been drafted to condition the rights in this system to divert no more than 4.5 af/ac when combined with other rights rather than 4.0 af/ac, because the rights were decreed based on the higher volume per acre amount. See discussion section of this memo for further information.

Summary of Information Submitted

Authority to File: The applicant is the current owner on record for the rights proposed for transfer. The applicant has authority to change the rights.

Water Right Validity: Rights presumed to be valid. The rights were decreed in the SRBA in 2000. Recent beneficial use confirmed via 2006 aerial photography, analysis of aerial photography provided by the applicant, and applicant's statement that the rights have not undergone a period of five or more consecutive years of non-use. Irrigation converted to pivots since the rights were claimed in the SRBA. 2006 imagery indicates pivots were used with extensions to allow for maximum beneficial use including irrigation of approximately 15 acres outside the authorized P/U. The proposed PP/U includes 17 acres in the SWSE Section 23 T4S R6E to address current irrigation practices.

Injury to Other Water Rights: Injury should not occur under this proposal provided use of the new wells does not interfere with nearby existing wells. As ground water rights, use of the proposed P/Ds is subject to reasonable pumping level provisions of I. C. § 42-226. The proposed P/Ds are within 1 mile of the existing P/Ds within the Mountain Home GWMA. Irrigation wells in this area are by in large completed into the regional aquifer, with depths and production intervals several hundred feet deep. Declining water levels in this area have caused drops in production rates of the existing P/Ds in the later part of the irrigation season, per applicant remarks. The applicant proposes to construct two new wells in a manner to allow diversion of

the rate of flow authorized. Considering the applicant is not proposing to increase diversion beyond authorized limits, it is unlikely addition of the proposed P/Ds to the system will significantly impact the ground water supply for other water rights in this area.

Enlargement of Use: The diversion rate, annual diversion volume, and number of acres irrigated will not increase as a result of this transfer. Irrigation will be limited to previously authorized number of acres within the proposed PP/U.

Local Public Interest: Allowing the applicant to construct two new wells will allow the applicant to divert authorized amount of water allowing for maximum extent of beneficial use under the water rights in a more efficient system which serves 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

Data entry will affect the water records for the rights proposed for transfer. The rights were decreed in the SRBA on 10/26/2000. The records were migrated to water right records prior to processing of this transfer.

The transfer proposes to add 2 P/Ds and create a PP/U for all 5 water rights in this combined system. There are no other overlapping rights for the existing P/Ds, proposed P/Ds, existing P/U, or proposed PP/U.

The rights involved in this transfer were decreed as a combined system. The current combined limit for this system is 16.96 cfs, 7128.5 af, and 1208 acres. The 16.96 cfs and 1208 acre limitations are based upon the total system capacity and the P/U previously irrigated by the combined system. Per Department records, the standard volume per acre applied to the rights when the system was licensed was 4.5 af/ac. It appears the combined volume decreed for this system was a mathematical sum of all the volumes for the individual rights rather than an appropriate system limit of 4.5 af/ac. The 7128.5 af volume currently authorized for the system works out to be over 5.9 af/ac, much higher than any standard volume currently used in the State. There was no explanation or reason documented in the adjudication records justifying the higher volume per acre. Therefore, the combined volume limit has been reduced to 5436.0 af (1208 ac @ 4.5 af/ac) in the draft transfer approval.

The fee submitted for this transfer is based on the combined system rate limitation.

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 is applicable since 2 new wells are proposed.