

MEMORANDUM

Date: November 5, 2009
To: Transfer 66132 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer seeks to consolidate five existing ground water rights from two farms onto one of the farms (north farm); the south farm has been sold without water rights. It also creates a permissible place of use on the north farm. (There is a companion transfer, 66133, which deals with the surface water rights on the same place of use.) No new wells will be drilled. These transfers were previously advertised without any protests. They have been in the State Office for a number of years as part of the oldie-moldy pile, as several issues needed to be resolved. The transfers were originally filed by Trent Anderson of Anderson Farms in 2000 and in the meantime the farm was sold to the Matthews. Cindy and I did a field exam in the fall of 2008 where we located and GPSd the wells and met with the current owner, Eugene Matthews, and the water master, Kay Wells. Initially, there were some questions about a combined limit of 1.87 cfs on the well in the NWSE of Section 3, originally servicing rights 45-2405 and 45-2406. (45-2406 was later moved to a well in Section 28 in a previously approved transfer [4384] in 1994.) We have looked at the original licensing exam for 45-2405 and found that a total of 187.5 miners inches (3.75 cfs) was measured with a sparging meter and that $\frac{1}{2}$ was to go to each of the two rights, 45-2405 and 45-2406. Therefore, we believe that each right should get its full 1.87 cfs without a combined limit. Approximate location of the place of use is between $4\frac{1}{4}$ – $5\frac{3}{4}$ miles East and 1 – $2\frac{3}{4}$ miles North of the center of Oakley.

Authority to File:

IDWR Records show the water rights in the name of the applicant, E Eugene and Heidi Matthews. During review of the transfer, it was discovered that Robert Bedke, original owner - H & E Farms, had retained an 8.93-acre parcel in the NWSW of Section 28, T13S, R23E, with appurtenances. He irrigates 8.3 acres of it with Bedke Spring water and also used part of the Bedke Spring right for domestic and stockwater purposes. Bedke and Matthews have submitted quit claim deeds showing that Bedke gets 0.166 cfs from right 45-534 (split up front into 45-14216 - Matthews and 45-14217 - Bedke) for irrigation, stockwater and domestic use. In return, Matthews kept all of the other rights originally appurtenant to the Bedke property, including groundwater rights. (We asked for clarification in the quit claim deeds saying that only 8.3 acres were irrigated within the 8.8-acre parcel but we never received them, so I split the 536 acre limit as 8.8 acres and 527.2 acres.) The surface water rights will be consolidated on the remaining 527.2 acres and the reduction in ground water acres (8.8) will be taken on the **expansion right** 45-12928.

- **Water Right Validity:**

Recommendations were issued for all of rights but no partial decrees. These recommendations were based on the Basin Decree of March of 1987.

- **Injury to Other Water Rights:**

The area is located within the Oakley Critical Groundwater Management Area and WD140, so measurement and/or reporting requirements will be instituted. The place of use is located within the new model grid but **outside** the smooth model boundary, so no mitigation is required.

- **Enlargement of Use:**

Quite possible unless close inspection of the total acres irrigated every year is carefully

monitored. The total acres that appear to be irrigated in the past few years, while this transfer has been in processing, is almost 914 acres while there are water rights for only 536 acres, including the Bedke portion!

- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use 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.

Matthews Transfers 66132 & 66133 Combined Limit Analysis											
Source	Pre-transfer				Post-transfer				Combined Limits		
	WR#	Ac	Rate	Vol	WR#	Ac	Rate	Vol			
Bedke Spg	45-534	40	0.50		45-14217	8.8	0.17		0.5 cfs, 40 ac (.0125 cfs/ac)	4.0 cfs, 175 ac (.022 cfs/ac)	4.0 cfs, 208 ac (.013 cfs/ac)
Bedke Spg	45-534	40	0.50		45-14216	31.7	0.33			3.83 cfs, 289.7 ac (.013 cfs/ac)	
Mill, Spring Cks	45-586	175	1.60		45-586	166.7	1.60				
Mill, Spring Cks	45-587	175	1.20		45-587	166.7	1.20				
Mill, Spring Cks	45-588	175	0.70		45-588	166.7	0.70				
Bedke, Mill, Spring					45-12929*	123	1.00				
Mill, Spring Cks					45-577A	10	0.05				
Mill, Spring Cks					45-578A	10	0.08				
Mill, Spring Cks					45-579A	10	0.03				
Mill, Spring Cks					45-580A	10	0.02				
Mill, Spring Cks					45-600	10	0.20		3.1 cfs, 160 ac (.019 cfs/ac)	3.1 cfs, 238 ac (.013 cfs/ac)	
Mill, Spring Cks					45-577B	150	0.75				
Mill, Spring Cks					45-578B	150	1.12				
Mill, Spring Cks					45-579B	150	0.47				
Mill, Spring Cks					45-580B	150	0.38				
Mill, Spring Cks					45-12927*	78	1.00				
Ground Water					45-2406	120	1.87	480	2.69 cfs, 180 ac	2.69 cfs, 720 AF, 289.7 ac	4.56 cfs, 1212 AF, 527.7 ac
Ground Water					45-2661	69	0.82	276			
Ground Water	45-12930**	118	1.00	---	45-12930**	109.7	1.00	---			
Ground Water					45-2405	123	1.87	492	1.87 cfs, 492 AF, 238 ac		
Ground Water					45-12928**	115	0.90	---			
* enlargement right											
** expansion right											

comp. have been changed Cond.

prior ID of acres to all rights except 14217
 changed forever on 12930