

MEMORANDUM

Date: February 17, 2009
To: Transfer 74396
From: jcooper
Re: Sufficiency Memo

Transfer application proposes changing the place of use and points of diversion for two groundwater rights currently used to irrigate a farm located approximately 4.0 mi. north and 11 mi. east of the city Declo. Transfer proposes to dry up 120 acres at the current place of use to be used at a farm located approximately 2.1 mi. to 5.5 mi. south and 0.75 mi. east to 2.0 mi west of the city of Declo. Application proposes to use nine existing wells at the farm, found approximately at the following locations from the city of Declo: 2.2 mi. S & 0.1 mi. E, 2.2 mi. S & 0.3 mi E, 3.2 mi. S & 0.3 mi. E, 3.0 mi. S & 0.8 mi. W, 4.1 mi. S & 1.0 mi. W (three wells), 5.1 mi. S & 1.7 mi. W, and 3.6 mi. S. Upon approval of this transfer, these rights will bring an additional 1.36 cfs, 440.8 AFA, and 120 acres of irrigation to the existing rights at the farm for a total of 28.4 cfs, 8099.2 AFA, and 2034.6 acres of irrigation. This transfer is one of seven interrelated transfer (#74093, #74094, #74095, #74396, #74719, and #74781) within the ESPA that mitigate the impacts to reaches of the Snake River as a group. Water right 45-7632 has combined limits with the rights at the new place of use, so its conditions were updated. The proposed place of use is located within WD 140, so water master comments will be needed.

Water rights 45-14102 and 45-14103 were previously numbered in basin 43. The basin number change has already occurred, prior to data entry.

· Authority to File:

IDWR Records show all of the rights in basins 45 to be in the name of the applicants: Brent Stoker, Wendy Stoker, Marla Stoker, and Lavel Stoker. IDWR Records show rights 43-13519, and 43-13525 to be in the name of Alliance Land and Livestock LLC. The applicant has provided a quit claim deed for the portion of water being transferred. Northwest farm credit is apparently a lien holder, so a consent letter from them was provided.

· Water Right Validity:

Water rights in Basin 43 were decreed in 2002 slightly more than five years before the date on which the transfer application was submitted. However, the Sagewood Ranch original water rights 43-4037 and 43-7126, (45-14102 and 45-14103) were in the Water Supply Bank in April 2003 per IDWR Records. Water rights in basin 45 were decreed in May of 2005, except 45-13900, which was licensed in 2003. Due to the status of the rights in basin 43 and because the rights in basin 45 have not been licensed or decreed for more than five years from the filing of the application, forfeiture does not appear to be an issue.

· Injury to Other Water Rights:

With proper measurement and reporting requirements and with the seven interrelated transfers within the ESPA that mitigate the impacts to reaches of the Snake River as a group, no significant injury should occur. IDWR Hydrology Section evaluated the hydrologic impacts on the Snake River noted the following in their memo: "although components of the combined transfer results in unacceptable depletions to the Snake River reaches, the overall impact of the combined transfer satisfies the 5%

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criterion for all of the Snake River reaches...The negative impacts from the individual portions of the transfer that do not meet the requirements are mitigated by the other transfer components associated with the transfer application."

· **Enlargement of Use:**

None anticipated. The volume for WR 45-14103 was adjusted from 155.6 AFA to 116.4 AFA, based on the physical limit of pumping the decreed flow (0.24 cfs) full-time during the irrigation season (3/15 to 11/15 = 246 days).

· **Local Public Interest:**

Application will be subject to public notice and protest.

· **Beneficial Use/Conservation of Water Resources:**

Proposed uses are 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.