

MEMORANDUM

Date: August 24, 2009
To: Water Right File 47-7861
From: Michele Edl
Re: license review

This permit lapsed in September 2003 and required reinstatement. Proof of Beneficial Use was submitted more than 60 days after it was due and that resulted in a considerable penalty to the 1983 priority date.

Applicant

This permit was based on use established before October 1984. The well was dug in 1965 and accessed water for irrigation without a water right from that time until a permit was issued in May 2003. The original permit holder, Howard Harder, wanted more than the standard inch/acre and had collected soil profile information from an independent consultant, Stan Haye. Charles E. Brockway was to prepare and present additional support documentation justifying authorization of extra water through this right but the documentation was not received. As a consequence the permit was approved at the standard inch/acre.

Considerable confusion over the requirements for acceptable proof advanced the priority date and contributed to delayed processing of the reinstatement.

In 2007 the current permit holders, John and Mary Nunes, again consulted with Stan Haye (now with NRCS, Twin Falls) to help them reinstate their lapsed permit. Mr. Haye submitted some of the required documents in September 2008 and it is his signature appearing on the first Proof of Beneficial use form. I believe that this was simply a misunderstanding and not an undocumented ownership change. A subsequent Proof of Beneficial Use form was signed by the permit holders.

Source and POD

The point-of-diversion for this right is a well located on the Nunes property. The well was originally dug by Twin Falls Canal Company to dry up localized land and make it more suitable for crops. Water is piped a short distance from the well to a ditch which also receives water shares from Twin Falls Canal Company.

The field examiner confirmed that the well and pumping plant location were the same as had been documented by Idaho Power Company's Ag Rep Gerald Orthel in 2007.

The well is within the Twin Falls Groundwater Management Area but was drilled before that moratorium was implemented.

Water Use

In response to a special request from the state office, Southern Region personnel conducted a field exam on August 17, 2009 and confirmed beneficial use. I reviewed the field examiners' report and I coordinated with other state office personnel to the reinstate the permit.

This ground water right is a supplement to surface water delivered by Twin Falls Canal Company and it may have always been supplemental. An archive report of power demand from the meter which has serviced the pump site since 1999 indicates that the pump is often powered up in the shoulder months of the irrigation season.

Jeff Nunes the permit holder's son and system operator may not have understood the forfeiture statutes. According to the field examiner, he was using the well even when it was not needed.

Although I have some well log information, I have not found a determination of the well capacity. A deep 12-inch well could put out 500-1000 gpm but this system seems to be limited by the installed pump capacity. The field examiner made a measurement of the current well/pump pair and found that they delivered 2.14 cfs.

The pump was installed 40+ years ago and both the consultant Stan Haye and the system operator, Jeff Nunes indicated that it is showing signs of age. Pump records retrieved and submitted by Stan Haye and Jeff Nunes included the pump's design curve. That curve shows that this pump was designed provide 1500 gpm or 3.34 cfs. According to Jeff Nunes, the pivot installed by his family in 2001 and currently in place, has 93 nozzles capable of delivering 20 gpm each. This permit authorized 1.32 cfs but the field examiner found and recommended 1.25 cfs based on beneficial use.

Place of Use

POU overlap shows surface water rights covering the place-of-use and the permit holder owns 72 shares from Twin Falls Canal Company. Mr. Stanton created the irrigation place-of-use shape based on 1987 aerial photography and his field exam. The ArcMap projection of the shape against quarter-quarter boundaries and aerial photography from various years shows some bleeding into an adjacent quarter. I agree with the field examiner; the use is probably within the permitted place-of-use.