

MEMORANDUM

Date: April 28, 2009
To: Transfer 75529 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 11.6 acre portion (0.21cfs) of three groundwater rights from a farm located approximately 7.25 - 8.0 miles south and 0.75 - 1.5 miles west of the center of Kimberly for commercial and stockwater use to a dairy located 2.6-2.8 miles west and 1.6-1.9 miles south of the center Buhl. The transferred portion of the rights (0.21 cfs) and the existing domestic and stockwater right (0.04 cfs) will be diverted from two existing and a new well to be drilled at the dairy site. The irrigation to commercial and stockwater use conversion was based on an acre to volume conversion factor of 3.02 af/acre taken from the University of Idaho crop consumptive volumes for alfalfa for 11.6 acres for the Twin Falls area. This was based on information received from the USDA that new seeding alfalfa was being grown on the farm. The wells involved with the transfer are located outside the ESPA smooth model boundary area so a ground water model analysis is not required. A volume correction was made to water rights 47-17511, and 47-17513 to reflect the actual amount of volume available from diversion at the rate of 4.0 af/a and a correction for water right 47-17515 to reflect the actual amount of volume (131.7) available from the diversion rate of 0.27 cfs.. The three-groundwater rights, 47-17476, 47-17478, and 47-17480 involved with the transfer all include a condition indicating that they are combined with Twin Falls Canal Company water. However, the application includes a letter from the Twin Falls Canal Company indicating the limited number and specific locations of shares on the original place of use. Note that the three groundwater rights, involved with the transfer allow for the total irrigation of 228.7 acres and that the letter from the canal company indicates that there are only 100 shares of water on these 228.7 acres. Further more, the canal company letter also identifies the specific lands that these 100 shares are appurtenant to. Note that the 11.6 acre portion of the three groundwater rights proposed to be transferred does not overlap the specific lands that the 100 canal company shares are appurtenant to. It should also be noted that the Department has previously approved similar types of transfers in the past involving portions of these same three groundwater rights.

- **Authority to File:**
Applicant is listed as current owner on IDWR record for right 47-16331. The application includes a copy of a contract for sale of water rights from the listed current owner of the rights being transferred according to IDWR records agreeing to sell the portion of the water rights being transferred to the applicant. The application also includes a copy of a warranty deed showing that the applicant owns the proposed place of use.
- **Water Right Validity:**
Right 47-16331 was decreed 7/9/1999. The rights involved with the transfer were recently reviewed as part of the SRBA and recommended to the SRBA court as valid rights.
- **Injury to Other Water Rights:**
None anticipated. Transfer will result in a reduction in the maximum allowed diversion volume.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses 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.