

Skinner, Corey

From: Skinner, Corey
Sent: Tuesday, September 11, 2007 10:32 AM
To: 'mattgard@yahoo.com'
Subject: Proposed water right transfer

Matthew,

Sorry this has taken so long. The following should outline the proposal after yesterday's meeting with our folks in our state office in Boise...

Currently you have the following two groundwater rights involved in your transfer...

- Right 43-2287 for 0.60 cfs for irrigation of 30 acres within 120 acre PPU.
- Expansion right 43-10477 for irrigation of 90 acres within 120 acre PPU.
- **Total between both rights is 0.60 cfs (269 gpm) for the irrigation of 120 acres.**

The 120-acre pivot you want the rights transferred to requires 1.0 cfs (450 gpm) to operate. This means that the two rights in the currently filed transfer do not provide enough water for the proposed system (something we can not approve).

You indicated that you also have the following two rights on a farm to the north that you would be willing to transfer to make up the difference...

- Groundwater right 43-4158 for 2.36 cfs for the irrigation of 118 acres
- Cassia Creek water right 43-408 for 2.36 cfs for the irrigation of 118 acres
- **Total between both rights is 2.36 cfs for the irrigation of 118 acres.**

→ keep ratio on paper

You proposed transferring a 20-acre portion (0.40 cfs) of groundwater right 43-4158 with groundwater rights 43-2287 and 43-10477 into the pivot you want, bringing the total diversion rate to 1.0 cfs (450 gpm). You also agreed to proportionately reduce Cassia Creek water right 43-408 by 20 acres and 0.40 cfs.

Our state office had problems with this concept, in particular the potential enlargement of the 20-acre portion (0.40 cfs) of groundwater right 43-4158. Basically, due to the limited amounts of the existing rights for the 120 acres (0.60 cfs (269 gpm)) the 20-acre portion (0.40 cfs) of groundwater right 43-4158 would be utilized on more than 20 acres. In order to resolve this enlargement concern, the following idea was presented....

What you need is 1.0 cfs (450 gpm) for 120 acres, or 0.008333 cfs per acre ($1.0 \text{ cfs} \div 120 \text{ acres}$).

At this rate per acre, the 0.60 cfs allowed by rights 43-2287 and 43-10477 would provide water to 72 equivalent acres ($0.60 \text{ cfs} \div 0.008333 \text{ cfs per acre}$).

Therefore 48 acres ($120 \text{ acres} - 72 \text{ equivalent acres}$) would have to be moved in to provide the needed 1.0 cfs (450 gpm) for 120 acres.

If the transfer were amended and ultimately approved based on the previous concept the following would result....

- Right 43-2287 for 0.60 cfs for irrigation of 30 acres within 120 acre PPU.
- Expansion right 43-10477 for irrigation of 90 acres within 120 acre PPU.
- Portion of groundwater right 43-4158 for 0.40 cfs and 48 acres within 120 acre PPU
- **Total between all three rights is 1.0 cfs (450 gpm) for irrigation of 120 acres (new pivot).**

This would leave the following at the north farm....

- Remaining portion of groundwater right 43-4158 for 1.4 cfs (630 gpm) for the irrigation of 70 acres.
- Reduced portion of Cassia Creek water right 43-408 for 1.4 cfs for the irrigation of 70 acres
- **Total between both rights is 1.4 cfs for the irrigation of 70 acres.**

Because you have provided information that the Cassia Creek water right is essentially never used, and the Cassia Creek right would be proportionately reduced, we can allow you to peel a portion of ground water right 43-2287 away from Cassia Creek water right 43-408 (essentially unstacking the rights, which is not typically allowed).

After you have a chance to review this, give me a call (208) 736-3033 so we can discuss any questions you might have and what you need to do from here.

Corey Skinner

$$2.30 - 0.90 = 1.40$$

1.4 cfs