

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 5/7/2007

RE: WILLIAM AND VICTORIA WOLFE TRANSFER 73580, RIGHT 2-10329

The transfer proposes to retire 33 acres of irrigation in the S ½ of the SE S26 T7S R12E, generally described as 3 ½ miles west of the Snake River on 5500 North Road, and change the current point of diversion located in the SWSENE S16 T7S R13E, generally described as 1 7/8 miles west of Hagerman on the west side of the Snake River at the Bell Rapids Pumping Station in Twin Falls County. The point of diversion will be changed to an existing diversion located in the NENE S16 T5S R3E, generally described as 1/5 of mile north west of River Road and Grandview Highway. The new place of use is located in the e ½ SE S17 T5S R3E generally described as 1 mile west of Grandview on Highway 78 in Owyhee County.

AUTHORITY TO FILE:

The applicant has supplied a water purchase agreement and warranty deeds for the lands to be irrigated. Therefore, it appears as though all the components have been supplied to allow the applicant to file this application.

WATER RIGHT VALIDITY:

This water right has been recommended and submitted to the Snake River Basin Adjudication (SRBA) court. The current owner has sent correspondence stating that they agree with the recommendation, and have no plans of objecting to the water right. Our current records suggest that this is a valid water right.

INJURY TO OTHER WATER RIGHTS:

This water right has been in use since 1963. The water right is being moved down stream from the original point of diversion, but there is no evidence that this will injure other water users. The flow of the Snake River is significant enough, that this use should not significantly alter the flow of the river.

ENLARGEMENT OF USE:

No additional water or use is being sought beyond the scope of the original water rights, however, the new place of use does have a standard season of use of 3/1 to 11/15 instead of the 3/15 to 11/15 allowed by the water right, and the new place of use has a standard diversion volume of 4.5 af per acre instead of the 4.0. This can easily be resolved by maintaining the volume and season of use limitations of the original water right.

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with feedlot standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARRATIVE

The largest issue for this transfer is that the point of diversion will be moved 86 miles downstream. The water supply between the points of diversion shouldn't be an issue, since it stays relatively constant along this stretch of the river. There is a possibility that some of this water could be lost due to seepage or evaporation, but due to the relatively high flows in the river in this area, it is unlikely that a significant amount of the portion of the river flow involved in this transfer will be affected. According to the Idaho Power website, the Snake River flows between CJ Strike Reservoir and the Bliss Dam range between 6,000 cfs and 30,000 cfs with an average flow between 7,000 and 8,000 cfs. Both the old point of diversion and the new point of diversion fall in the same stretch of river as these two dams, so they give an reasonable assumption of the river flows between the two points of diversion. The 0.56 cfs requested in this transfer would be much less than 0.01% of the flows of the river in this area, so any steam losses from the transferred portion would be minimal.

The applicant is going to use the same point of diversion developed under water right 02-7113. This transfer was field to cover the lands not covered by water right 02-7113, so there should be no significant overlapping rights for this transfer.

Another issue is that the applicant is moving water from an area with a 3/15 to 11/15 season of use to an area with a 3/1 to 11/15 season of use. In order to avoid enlargement, the season of use should be limited to the 3/15/ to 11/15 date. The applicant is also moving the water from an area that allows 4.0 af diversion volume to an area that allows 4.5 af diversion volume. The 4.0 af per acre diversion volume should be maintained to avoid enlargement.

CONDITIONS AND SUGGESTIONS

Barring any protests, this transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.