

MEMORANDUM

Date: October 02, 2006
To: Transfer 72385
From: dcarlson
Re: transfer evaluation

This transfer proposes that New Sweden Irrigation District sells one of their irrigation water rights to the City of Blackfoot to be used in Jensen Grove Lake for a recreational storage use and a small irrigation use. This water right will be used to fill and maintain Jensen Grove Lake and to irrigate a small acreage on the east and south side of the lake. Jensen Grove Lake is approximately 73 acres in surface area X 15 feet deep for a storage volume of 1100 acre feet. The lake sits on the east side of Interstate 15, with the Snake River on the west side of the Interstate. Jensen Grove Lake was once the channel of the Snake River prior to the construction of the Interstate.

The lake loses large amounts of water due to seepage into the ground, so a constant flow into the lake is needed to maintain the lake level. Water that flows into Jensen Grove Lake sinks and returns back to the Snake River and/or sinks into the aquifer. Jensen Grove Lake would be dry without an outside source of water. This right was delivered to Jensen Grove Lake in 2005 under a temporary transfer approval TC-01-64

Authority to File:

Applicant provided an Agreement to Transfer Water Right from the New Sweden Irrigation District. New Sweden has a SRBA claim on record and is the only party that was filed a claim on this water right. This right was delivered to Jensen Grove Lake in 2005 under a temporary transfer approval TC-01-64. The determination of the ownership of this water right will be left to SRBA court to finalize, when they issue their final decree.

Water Right Validity:

This water right was overlooked when Water District 01's computer accounting program was created in 1977. This right was returned to the accounting program in the spring of 2005. New Sweden thought they were receiving this right throughout this time period.

The Adjudication recommended this right as one of New Sweden water rights, part of their canal system.

Injury to Other Water Rights:

Changing an irrigation water right into a recreational storage right will reduce the consumptive use and increase the groundwater recharge and improve Snake River flows. A small amount of irrigation will be maintained on the east side and south side of the lake.

There are no diversions in this area of the Snake River that would have their diversions negatively impacted by the Jensen Grove head gate. This right was delivered to Jensen Grove Lake in 2005 under a temporary transfer approval TC-01-64. Watermaster gave his approval for this transfer. Transfer will be advertised to determine any protests.

Enlargement of Use:

Based on WD01 records a priority date 6/16/1900 water right would be deliverable 214 days in a good year like 1997. $46\text{cfs} \times 1.9835 \times 214 \text{ days} = 19525 \text{ Acre Feet/Annum}$.

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The new use of this water right in Jensen Grove Lake will be for the most part non-consumptive and a benefit to the flows in the Snake River and the Eastern Snake Plain Aquifer. The consumptive uses of this water right, after the transfer, would be the 50 acres of irrigation and some evaporation from the lake. The total consumptive use would be $50 \times 4 \text{ af/a} = 200 \text{ af/year}$ for the irrigation use, plus 186 af/year from the pond consumptive use spreadsheet (evaporation) for a total of 386 af/year. The 616.7 acres of exclusions from New Swedens place of use and the consumptive use value of $616.7 \times 2.5 \text{ af/a} = 1541.8 \text{ afa}$ would more than offset the consumptive use at Jensen Grove.

This right was delivered to Jensen Grove Lake in 2005 under a temporary transfer approval TC-01-64. There is no evidence of enlargement of use.

Local Public Interest:

Having water in Jensen Grove Lake has been shown to be in the Local public Interest.

Representative Mike Simpson acquired congressional approval to provide funds to complete this transaction.

Beneficial Use / Conservation of Water Resources:

The water provided for Jensen Grove Lake under this transfer, should benefit the Snake Plain Aquifer and also benefit the flows in the Snake River below Blackfoot.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.