

MEMORANDUM

TO: Transfer File No. 71630

FROM: Lori Graves 

DATE: 4/11/05

RE: Evaluation of Sufficiency of Information Submitted

Brief: Applicant proposes adding a second, existing well to his irrigation system due to decreased capacity in the licensed well.

The site is located on southeast of Beacon Light Rd and Hwy 16.

Contact person for the applicant is Mike Dixon.

Authority to File: Applicant is owner of record.

Water Right Validity: Rights presumed to be valid based on pending SRBA recommendation.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No change in nature of use has been proposed.

Local Public Interest: No negative impacts are anticipated.

Beneficial Use/Conservation of Water Resources: Applicant proposed beneficial use consistent with conservation of water resources in Idaho.

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

Additional Information: We received this transfer 6/12/03. Processing was delayed until SRBA recommendations were completed for the farm. SRBA reviewer, Craig Saxton, finished his recommendations 10/01/04. Based on Craig's recommendations, the transfer was amended 11/03/04. Because of urgent needs for the approval to use the unauthorized (proposed) p/d, applicant leased water from the water supply bank, as advised by IDWR, for the remaining 2003 irrigation season.

Discussion: Applicant originally listed water right 63-4606 on the transfer application. The well claimed on 63-4606 also serves license 63-2958 for a portion of the 240 acres. The license has a similar priority to the claim. The applicant indicated that he claimed 63-4606 in the SRBA and not 63-2958 because the statutory claim provided full coverage on the 240 acres and the license provided only partial coverage. Craig Saxton found that

124 acres were developed in 1953 (licensed priority date) and the remaining 116 acres were developed in 1976. As a result, the applicant withdrew his statutory SRBA claim on 63-4606 and replaced it with SRBA claim 63-2958 and SRBA expansion claim 63-31988, both limited to the 2.4 cfs licensed flow rate when combined. Applicant then amended the transfer application to reflect the SRBA recommendations.

No other water rights overlap the subject acres, however, applicant also uses wastewater, via Little Gulch Creek, from a neighboring property for irrigation. Little Gulch Creek is an intermittent stream on the topo map. Water from the creek and ground water are diverted into a pond, then pumped from the pond for irrigation. According to Craig, the pond is a component of the irrigation system and not a storage facility (fills < 24 hrs from ground water alone). The wastewater in the creek is under the control of Farmers Union Canal. As a result, applicant filed an application for permit for wastewater and Little Gulch Creek water, tributary to the Boise River, with an acknowledgement letter from Farmers Union Canal Co.

Ron Schriner, with Farmers Union Ditch Co., confirmed that Hoot Nanney Farms does not have and/or pay for surface water shares. No other water rights are used.

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft transfer approval should be applied.