

MEMORANDUM

TO: Transfer File No. 71550

FROM: Lori Graves 

DATE: 2/17/05

RE: Evaluation of Sufficiency of Information Submitted

Brief: The purpose of the transfer is to retire supplemental ground water irrigation from an existing tree farm located 1.5 miles north of Eagle and provide a similar amount of supplemental ground water irrigation for a proposed tree farm located 2.5 miles northeast of Middleton from an existing well.

Contact person for the applicant is Jason Carnahan, son of Douglas Carnahan, owner/manager of MDC, LLC.

Authority to File: A warranty deed for the proposed p/u in the name of MDC, LLC and existing p/u in the names of Douglas and Meridith Carnahan have been attached. Ada and Canyon county tax records shows both properties in the name of MDC, LLC. The claim for water right 63-10792 is in the name of Jayker Tree Farm. ISOS web site for Idaho registered businesses listed Douglas and Meridith as owners/members/officers of Jayker Wholesale Nursery, Inc. and MDC, LLC.

Water Right Validity: Right presumed to be valid. SRBA is not applicable to this right developed after 1987. Recent beneficial use confirmed via 2000 arc view photo.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No change in nature of use has been proposed. Surface water is the primary irrigation source at both locations. Farmers Union provides water at the existing p/u and Black Canyon provides water at the proposed p/u. Documentation has been provided that shows similar surface water delivery amounts from both entities. The right will be conditioned to allow ground water use at the new p/u only when surface water is not available, as allowed at the existing p/u.

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: Applicant was asked to supply comparison delivery data from Farmers Union and Black Canyon Irrigation Districts in addition to the information attached to the transfer application (attachments E1 through E4). Jeff Peppersack wanted to know how long is the water generally available from each primary right and does it generally provide a full irrigation amount or is supplemental water required in most years. Attachment E4 seemed to indicate that Farmers Union water required supplemental water in the past. Please see scanned e-mails for explanation and additional delivery information.

Discussion: The logistics of this proposal were reviewed with Jeff Peppersack because the primary water source used at the proposed p/u is from the Payette River drainage, whereas the primary water source at the existing p/u is from the Boise River drainage. The common denominator is that both surface water sources are tributary to the Boise River at the locations subject to the transfer application.

The current p/u only gets 3/4ths allocation (.78 share) of surface water from Farmers Union. Rather than purchasing additional water or using supplemental ground water, applicants stated they have managed by installing a drip irrigation system and have only used ground water during the shoulder season, when surface water was not available. At the proposed p/u, applicants have full allocation of surface water, not 3/4ths, however still plan to install a drip irrigation system. Again, they plan to only use ground water during the shoulder season when surface water is not available. Surface water delivery schedules and amounts are similar at both locations. The need to supplement with ground water appears to be greater at the existing p/u than it will be at the proposed p/u.

This transfer proposes splitting license 63-10792 because the domestic use will remain at the existing p/u. Domestic use was licensed at .02 cfs and irrigation use was licensed at .11 cfs for a total combined rate of .11 cfs. During parallel processing, the SO disagreed with splitting the right because the right's limit is based on rate rather than annual volume, making the split impossible to enforce. The proposed split opens the door to enlargement. As a result, the applicants decided to drop domestic use entirely and wish to transfer the full amount to the proposed p/u. See attached correspondence (fax) from Douglas Carnahan dated 12/20/04.

The proposed well is an existing domestic well drilled several years ago (per applicant). A well log could not be located. A well upgrade fee should not be required because the well more than likely was drilled prior to 1987 (upgrade fees are required on any domestic drilled after 7/1/1987).

No other rights are used at the proposed p/u except water from Black Canyon Irrigation District.

Besides license 63-10792 and water from Farmers Union Irrigation District, Drainage District No. 2 water right no. 63-2406 for wastewater appears as an overlap at the existing p/u. This right represents return flows that are collected throughout the drainage district's service area, when available. The collected wastewater is then equitably

distributed by the Boise River watermaster to delivery organizations within the drainage district.

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.