

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 4/8/2004

RE: LAVAR AND WILMA THORTON TRANSFER # 71321, RIGHTS 63-2986, 63-3404, AND 63-7474

The transfer proposes to split water rights 63-3404 and 63-7474 and create a permissible place of use for the remainder of the two rights owned by the applicant and 63-2986. The unchanged portions of the above two rights are owned by other individuals. The points of diversion will not change for 63-3404 and 63-7474, and both points of diversion will be included on 63-2986. The wells are located in the NENE and NESE of S3 and the permissible place of use will be located in the NE, N ½ of SW, and SE of S3 and SENW and SW of S2 in T1N R1E, Ada County

AUTHORITY TO FILE:

The applicant supplied ownership documentation provided warranty deeds showing ownership of the property. There is a portion of the property listed under the water rights that are not owned by the applicant. However, these lands are not listed on the transfer.

WATER RIGHT VALIDITY:

This water right has been reviewed and recommended by Scott King, of our SRBA staff. The transfer doesn't propose more than what has been listed in the Mr. King's recommendation.

INJURY TO OTHER WATER RIGHTS:

This farm has been in operation for several years. The applicant is not proposing to increase the number of acres or the rate of flow. Therefore, no injury is anticipated.

ENLARGEMENT OF USE:

This water right has extensive combined limiting conditions. The applicant is not proposing anything above those limitations.

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 irrigation 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.

SCANNED

OCT 28 2004

NARRATIVE

Water Right 63-2986 was the original water right filed on the property involved in the transfer. 63-2986 covered 80 acres of ground at less than an inch or 0.02 cfs per acre. Water right 63-3404 was filed over the top of water right 63-2986 excluding 1 acre in the NWNE, and including an additional 150 acres for a total of 230 acres being irrigated under water rights 63-2986 and 63-3404. The total combined diversion rate for these two rights were limited to 4.58 cfs. Even though the diversion rate was limited by the combination of the two rights at 229 acres, there is still one acre covered by 63-2986 that is not covered by 63-3404 that brings the total acre amount up to 230 acres. These two water rights could supply 0.02 cfs per acre.

The transfer will split off all but 4 acres from water right 63-3404. Considering the combination of water rights 63-2986 and 63-3404, 0.02 cfs per acre from water right 63-3404 was diverted onto these 4 acres. Therefore, 0.08 cfs should be removed from water right 63-3404 ($0.02 \text{ cfs} \times 4 \text{ ac} = 0.08 \text{ cfs}$). The two changed portions of water rights 63-2986 and 63-3404 would need to be conditioned to show the combined rates and acres, but the unchanged portion will no longer be associated with water right 63-2986 and should not have a combination condition.

Water right 63-7474 was also added onto the same system. This water right increased the size of the farm by another 95 acres at 0.02 cfs per acre or 1.81 cfs total. This water right was limited when combined with 63-2986 and 63-3404 to a system capacity of 6.16 cfs, which will supply less than 0.02 cfs when all of the rights are combined.

The transfer will split off all but 70 acres at a diversion rate of 1.33 cfs off of water right 63-7474 to join 63-2986 and the unchanged portion of 63-3404 to irrigate a total of 296 acres. The unchanged portion of water right 63-7474 will consist of 25 acres at a diversion rate of 0.48 cfs. The current water rights limited all three water rights to 6.16 cfs with a cumulative total of the water rights of 6.41 cfs. A diversion rate of 6.16 cfs is 96% of the cumulative total 6.41 cfs. Therefore when combined the unchanged portion of 63-3404 and 63-7474 should be limited to 0.54, and the changed portions of water rights 63-3404 and 63-7474 when included with 63-2986 should be limited to 5.62 cfs.

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The following rates, volumes, acres, and conditions should be included on these water rights.

	RATE (CFS)	VOLUME (AFA)	ACRES
63-2986 (CHANGED)	0.92	360	80
63-3404 (CHANGED)	3.60	652.5	225
63-7474 (CHANGED)	1.33	315	70
63-3404 (UN-CHANGED)	0.08	18	4
63-7474 (UN-CHANGED)	0.48	112.5	25

COMBINATION CONDITIONS:

The changed portions of 63-2986 and 63-3404 are combined they are limited to 4.50 cfs and 226 acres of irrigation.

The changed portions of 63-2986, 63-3404, and 63-7474 are combined they are limited to 5.62 cfs and 296 acres within a 446-acre permissible place of use.

The unchanged portions of 63-3404 and 63-7474 are combined they are limited to 0.54 cfs.

PLEASE NOTE: The entire full combined rate per acre allowable from 63-3404 and 63-2986 has been applied to the 4 acres listed under 63-3404, so no combination amount is needed for the unchanged portion of 63-3404.

By splitting these rights in this manner, the unchanged portions and the changed portions no longer need a condition relating to each other, since the combined limitations have been carried over to both the changed and unchanged water rights.

These are the only significant overlapping water rights for this transfer. The permissible place of use incorporates land that hasn't been irrigated by other water rights.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.