

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 13-7649

Exam Dates: 8/13/2015, 5/20/2019, 9/8/2023, 6/7/2024

1. Current Owner:

G & H DAIRY LLC
299 ADDISON AVE W
TWIN FALLS ID 83301-5049

G & H DAIRY LLC
528 WASHINGTON ST
TWIN FALLS ID 83301-5642

2. **SOURCE: Ground Water****B. OVERLAP REVIEW**

1. Place of Use: 13-7629 (limited to 82.6 acres within a 128.8-acre place of use). Permit 13-7649 includes a condition limiting water rights 13-7629 and 13-7649 to 148.5 irrigated acres.

The backfile documents for water right 13-2215 (the parent right for water right 13-7629) state that there were 115 shares in Twin Lakes Canal Company on the property when that right was first developed in the late 1960s. Water right 13-7629, which is a split portion of right 13-2215, includes conditions prohibiting the transfer of the TLCC shares and making the ground water use supplemental to surface water. TLCC states that there are no longer shares associated with the property.

2. Point of Diversion: 13-7629 (1.09 cfs, 289.1 acre-feet)

Commercial right 13-7630 might be diverted from the same ground water well.

Domestic/stockwater right 13-4332 might be diverted from the same ground water well.

Water rights 13-7630 and 13-4332 have not been used for many years because the dairy that used to divert water under those rights went out of business. There is a small diameter well less than 50 feet from the point of diversion for water right 13-7649. It is unclear whether the small diameter well is the correct point of diversion for water rights 13-7630 and 13-4332.

C. DIVERSION AND DELIVERY SYSTEM

Currently, the ground water well delivers water through a mainline to a center pivot. In the past, the ground water well discharged water into an open pond. Water from the pond was pumped and pressurized for delivery to the center pivot and to handlines in two pivot corners.

1. **POINT OF DIVERSION:**

GROUND WATER NW¼ NW¼, Sec. 11, Twp 15S, Rge 38E, B.M. FRANKLIN County

Method of Determination: Site inspection. Well Driller's Report (D0026889).

2. PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	11		25.0	34.2		39.5	9.2	4.6	36.0									148.5

Right Acre Limit: 73.9

Total Acres: 148.5

Method of Determination: Site inspection. Aerial imagery.

3. DELIVERY SYSTEM: The development period for Permit 13-7649 occurred between 2004-2006. During that time, water was discharged from the irrigation well into a large holding pond near the well. The water user pressurized the water at the pond for irrigation in a center pivot and through handlines on two corners of the pivot. The irrigation system has since been changed. Now the water user delivers water directly from the ground water well to the center pivot. The two pivot corners and a portion of the pivot circle have been removed from irrigation.

4. SYSTEM SPECIFICATIONS:

Well ID: Metal Tag D0026889

Pump: Layne Pump #440311 (same pump identified in 1966 field exam).

Motor: Unknown, no face plate

D. FLOW MEASUREMENTS

A measurement of the current system would not represent the true extent of development. The current irrigation system and practices are significantly different than those existing during the development period (2004-2006). During the development period, ground water was discharged into a holding pond before being pressurized for irrigation use and two of the pivot corners were irrigated. Currently, the ground water well delivers water directly to the pivot. Further, the pivot corners and one-eighth of the pivot circle have been removed from production. Power records and aerial imagery confirm consistent irrigation use from the ground water well. A flow meter was installed on the system in 2019. The point of diversion has not been used since then, so the meter is still reading zero.

E. FLOW CALCULATIONS

Prior to the approval of Permit 13-7649, the right holder diverted water right 13-7629 from an original well site, located approximately ¼ mile south of the well developed under Permit 13-7649. Water from the original well site was discharged into the holding pond. On July 16, 1966, the Department of Reclamation completed a field exam for Permit 13-7629. The examiner measured the well pumping to open discharge at 1.50 cfs. The examiner reported that a 30 hp pump was used to divert water from the original well.

According to records from Rocky Mountain Power Company, the new well, constructed in 2004, was equipped with a 40 hp pump. The pump has been removed, so it is not possible to confirm the horsepower of the pump. If one assumes that the aquifer conditions in 2004 were similar to those in 1966 and the other system variables are held constant, a 40 hp pump would produce 2.00 cfs. Water right 13-7649 will be licensed for the full permitted diversion rate (1.00 cfs). However, water rights 13-7629 and 13-7649 will be limited to a combined diversion rate of 2.00 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 73.9 \text{ acres} \times 3.5 \text{ af/acre} = 258.7 \text{ af.}$$
$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 1.00 \times 214 \times 1.9835 = 424.4 \text{ af.}$$
$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 258.7 \text{ af.}$$
G. NARRATIVE/REMARKS/COMMENTS

Water right 13-2215 for irrigation use was developed by Erven Bergeson in 1960. The State Department of Reclamation conducted a field exam in 1966. The examiner observed a Layne Pump (#440311) with a 30-horsepower motor discharging water into an open pond. Water from the pond was delivered through open ditches to an irrigated field. The field examiner measured the flow from the well at 1.50 cfs. The original well listed as the authorized point of diversion for water right 13-2215 was 245 feet deep and had a static water level of 18 feet below land surface in September 1961. The license for water right 13-2215 authorized the diversion of 1.50 cfs and the irrigation of 114 acres.

Water right 13-2215 was split into water rights 13-7629 and 13-7630 through Transfer 70467 (approved July 29, 2003). Water right 13-7630 was changed to commercial use for a dairy. Water right 13-7629 continued to be used for irrigation and was limited to a diversion rate of 1.09 cfs and the irrigation of 82.6 acres.

In April 2003, J-7 LLC filed Application for Transfer 70732, proposing to add a point of diversion to water right 13-7629. Application 70732 included the following statement: "I want to change to a different well in the same ¼ of ¼ because original well is starting to fail and keep [old well] as a backup." Transfer 70732 was approved on October 7, 2003. The approval described the original well and the proposed well as authorized points of diversion. Both points of diversion were in the SWNW of Section 11, T18S, R38E.

J-7 LLC constructed a new well for stockwater use in August 2003. The new well was 305 feet deep and the static water level in August 2003 was 110 feet below land surface. The new well was located in the NWNW of Section 11, T18S, R38E. On February 20, 2004, J-7 LLC filed Application for Transfer 71094, proposing to change the point of diversion for water right 13-7629 to the new well completed in the NWNW of Section 11. Transfer 71094 was approved on May 12, 2004. The original well was removed as an authorized point of diversion on water right 13-7629 at that time.

Based on power records from Rocky Mountain Power Company, the new well was equipped with a 40 hp motor. Assuming aquifer conditions and system conditions today are the same as those existing in 1966, a 40 hp pump would produce 2.00 cfs in an open discharge scenario.

Application for Transfer 70732 (filed in April 2003) states that water from Twin Lakes Canal Company was used to irrigate the same ground as water right 13-7629. I contacted Twin Lakes Canal Company to inquire whether any shares were still associated with the property. I spoke with Tyson Schvaneveldt, watermaster for the West Canal, and Andrew Beutler, board member and local farmer. Both confirmed that the shares were moved off the property at the time the new well was developed. Water is no longer delivered to the property from the Twin Lakes system. Application for Permit 13-7469 did not refer to shares in Twin Lakes Canal Company and Permit 13-7649 did not make the ground water usage supplemental to or stacked with surface water rights.

Water right 13-7629 does include conditions making that ground water right supplemental to surface water use. The Department may consider initiating an enforcement action for diversion and use under water right 13-7629 because the surface water rights were removed from the property in violation of the conditions of water right 13-7629.

Permit 13-7649 included mitigation conditions. To mitigate for the new use under 13-7649, the right holder was required to hold spring water right 13-2164 and 20 shares in West Cache Irrigation Company unused. The current water right holder provided evidence that the 20 shares in West Cache Irrigation Company are still being held unused. Water right 13-2164, however, has been sold to another property owner. The field exam completed in 2015 confirmed that water right 13-2164 is unused, but the permit holder no longer owns the water right. The permit holder (G&H) has been in negotiations for years trying to buy back mitigation right 13-2164. These negotiations have not been successful so far. Therefore, the license will be issued in a way that limits the right to a lesser quantity if the permit holder is unable to acquire mitigation right 13-2164. Water right 13-2164 authorizes a diversion rate of 0.76 cfs. I conducted a measurement of the spring source for water right 13-2164 in June 2024. The spring was flowing approximately 0.60 cfs. If water right 13-2164 is no longer available for mitigation, then water right 13-7649 would be limited to 0.24 cfs. Based on information provided by West Cache Irrigation Company, 0.24 cfs is roughly equivalent to 20 shares in the company.

Have conditions of permit approval been met? X Yes No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.00 CFS	258.7 AF
<u>Totals:</u>		1.00 CFS	258.7 AF

2. Recommended Amendments

 Change P.D. as reflected above Add P.D. as reflected above X None
 Change P.U. as reflected above Add P.U. as reflected above X None

I. AUTHENTICATION James Cefalo

Field Examiner's Signature



Date

7/3/2024



Point of Diversion in August 2015, prior to installation of flow meter.



Metal plate on the side of the pump.

Water Right License 13-7649 G & H Dairy LLC



2023 Aerial Imagery

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ

0 500 1,000 2,000 Feet

