

MEMORANDUM

TO: Transfer No.89467
FROM: Bob Howe -Water Resource Agent, Sr.
DATE: 11/25/2024
RE: Evaluation of Application for Transfer

Transfer Application 89467, proposes to change the ownership, add 2 points of diversion, and split water right (WR) 63-2851 into two irrigation places of use (POU) supplied by to separate systems. The transfers in conjunction with permit 63-35628 would provide irrigation on lands subject go a residential development project.

Through this application 58 acres of WR63-2851 would be transferred to 56.5 acres within the current right POU and two new points of diversion (POD) would be added to provide groundwater supplemental to surface water delivered by Wilder Irrigation District. The two proposed wells would be shared with Permit 63-35628 which provides an additional 189.5 acres of supplemental irrigation in parcels adjacent to the 56.5-acre transfer POU.

Proportionate amounts of WR 63-2851 for 21 acres of irrigation would be split to create WR 63-35643 diverting groundwater from the existing POD (well) for the primary irrigation of 21 acres within the Wilder Irrigation District where surface water is not deliverable.

Authority to File:

IDWR records list WR 63-2851 as currently owned by The Regents of the University of Idaho. The applicant submitted ownership conveyance documentation upon request, which deeds POU property and appurtenances from the State Board of Land Commissioners to Toll Bros., Inc. and subsequently to Toll West Inc.(the applicant). The tax lot records list the applicant as current owner of the parcels the transfer POU is located within. No concerns were found regarding the authority to file the transfer of WR 63-2851.

Water Right Validity:

WR 63-2851 was decreed in 2009 for the irrigation of 90 acres. In 2021, the right was split creating WR 63-35027 for the irrigation of 11 acres and changing the elements of WR 63-2851 to rate of 1.54cfs (0.0195cfs/acre) and an annual volume of 355.5AF for the irrigation of 79 acres.

WR 63-5281 is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use was confirmed by department aerial imagery (Figures 1-3).

Injury to Other Water Rights:

The proposed transfer POU is within the Wilder Irrigation District service area and the service area of municipal rights held by the City of Caldwell. However, the application is specifically for supplemental groundwater when surface water from Wilder Irrigation District is not available. The rights after transfer should carry condition 943 requiring groundwater use to be supplemental. As historic use for irrigation within the transfer POU as diverting from the irrigation entity and supplementing the use with an existing well. The transfer includes the addition of 2 wells but does not increase any elements of WR 63-2851. The applicant states that WR 63-2851 historical use has had 21 acres of irrigation without surface water availability, where groundwater is the primary source. This transfer seeks to move 9 of the 21 acres into the adjacent quarter/quarter to the west of the current right POU. As the transfer does not seek to change the

SUPPORT DATA

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use of water within the transfer POU in a way that is different from the historical use in much of the same area there are concerns regarding the transfer causing injury to any existing rights.

Enlargement of Use:

The transfer application proposes to use a right historically used for 58 acres of supplemental and 21 acres of primary irrigation to irrigate approximately 79 acres to provide irrigation to the transfer POU, all but 9 acres of which would remain within the current irrigation POU. Those 9 acres outside the current POU are in a parcel adjacent to the current POU. The total combined irrigated areas would be condensed to 77.5 acres, which is 1.5 acres less irrigated area than the current right permits.

The POUs for WR 63-35628 and the transfer are for the irrigation of a proposed residential development project, which once developed, would reduce the number of irrigable acres within the proposed POUs. The typical irrigation for lawns and landscaping in residential development area requires significantly less water than agricultural developments for crops such as alfalfa within an area of the same size. There are no enlargement concerns regarding the use of a right for supplemental irrigation, which would result in less spreading and logically a less consumptive use of groundwater in the same area local to the current POU.

Local Public Interest:

The application proposes to continue a use of water that has been decreed by the SRBA court. The change proposed by the application should not change implementation of the water right in such a way that is not in the local public interest.

Beneficial Use/Conservation of Water Resources:

WR 63-2851 authorizes beneficial use of water within acceptable standards for irrigation, and the application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

The proposed transfer condenses 58 acres of the POU to meet the statutory rate standard for irrigation without increasing volume or altering the historic beneficial use of WR 63-2851 in a way that would cause additional impacts on the water available. The transfer of the POU in two parts would allow the current owner of the parcel appurtenant to the transfer POU to update the ownership of the decreed right. Approval of this transfer would result in improved conservation of water for the beneficial use occurring through WR 63-2851.

If approved the following changes should be made to the conditions of water right nos. 63-2851 & 63-35643:

- Add conditions 943, WB7, 01M per current guidance.
- Update condition C18 to T19.
- Add standard transfer conditions T07 and T08
- Replace R65 with R61

According to information available at the time of review, the application is consistent with the criteria of Idaho Code § 42-222. Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

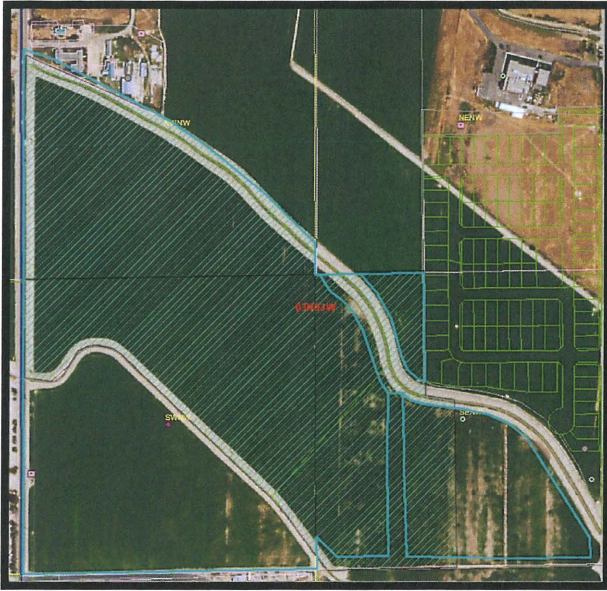


Figure 1-(above) NAIP 2021 Imagery of WR63-5281 POU (outlined in blue) and the proposed transfer POU for 56.5 acres (shaded in).



Figure 2-(left) NAIP 2021 Imagery of WR63-5281 POU (outlined in blue) and the proposed transfer POU for 56.5 acres (shaded in). Figure 3-(right) NAIP 2023 Imagery of WR63-5281 POU (outlined in blue) and the proposed transfer POU for 56.5 acres (shaded in).