

MEMORANDUM

TO: Transfer No. 89440
FROM: Kate Englund
DATE: January 7, 2025
RE: Evaluation of Application

Frank Powell submitted transfer application 89440 to change the nature of use of water rights 65-24075 and 65-24076 from irrigation to aesthetic storage. Both licenses authorize 0.02 cfs of irrigation over 2.4 acres within T09N R04E Sec. 3, but were developed under one system and should not be considered as stacked rights. This transfer reduces the licensed irrigated area from 2.4 acres to 0.6 acres and utilize aesthetic storage with a surface area of 0.29 acres and total aesthetic storage volume of 2.4 acre-feet annually, within the irrigation place of use.

Summary of Information Submitted

Authority to File:

Transfer 89440 was submitted by Frank Powell, the current owner of the water rights associated with this transfer and the parcel where the place of use is located.

Water Right Validity:

Transfer 89440 proposes changes to water rights 65-24075 and 65-24076. The partial decree for water rights nos. 65-24075 and 65-24076 was issued on 02/13/2003. These rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence.

Injury to Other Water Rights:

There is no anticipated injury to other water rights if this transfer is approved.

Enlargement of Use:

Historically, 2.4 acres were irrigated at a diversion rate of 0.02cfs. The pond capacity totals 1.5 AF with a surface area of 0.3 acres and average depth of 4.4 ft. Consumptive losses include 0.5AF evaporation and 0.4 AF seepage, calculated using data from ET Idaho's Garden Valley Ranger Station. Historic and current consumptive losses were compared and the irrigated area was reduced to 1.2 acres to ensure that the consumptive loss is equal to historic consumptive loss.

Local Public Interest:

Things to consider:

- Section 42-202B(3), Idaho Code

No available information indicates conflict with local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho. An existing headgate will be used to fill the aesthetic pond. The place of use will stay the same and the pond is within the area of a previously developed system for water right 65-24076.

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

Summary

Assuming no other information contradicts the above analysis and no protests are filed, the application can be approved as reflected by the draft approval.

Water Right Overlap

Five irrigation water rights overlap the place of use and cover the entire quarter quarter or more where the place of use for water rights 65-24075 and 65-24076 are located. These water rights are owned by Terrace Lakes Recreation Ranch LLC or Hendrick and Bodine Farms. Seventy-five water rights were identified that use the same point of diversion as water right 65-24076, most of which are owned by individual parcel owners. The above mentioned rights owned by Hendrick and Bodine Farms and Terrace Lakes Recreation Ranch also share a headgate point of diversion. There are no active overlapping permits within the place of use or point of diversion.

Discussion

I updated the POU shape of water right nos. 65-24075 and 65-24076 from the generic shape covering the whole parcel to a more specific shape based on a map provided by applicant to indicate current beneficial use. The irrigated area should include 1.2 acres and the pond surface area is 0.3 acres after the transfer is complete. Conditions 219, 220, and X35 include calculated values for pond capacity, consumptive losses, and a combined diversion rate for both rights to prevent enlargement of use while conceding a Stipulation to Resolve a Protest.

If approved the following changes should be made to the conditions of water right nos. 65-24075 and 65-24076:

- Update condition C18 to T19.
- Add standard transfer conditions T07 and T08
- Add X35
- Add condition 219
- Add condition 220