

MEMORANDUM

Date: January 3, 2018
To: Transfer 82037
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for a portion of water rights 35-2269E and 35-2269F. Currently, there are no recorded water rights authorizing the diversion of water from an existing ground water well located in the NENW, Section 9, 02S, 33E. This well is used to irrigate land described under water rights 35-2269E and 35-2269F. The applicant seeks to change the point of diversion and change the place of use for a combined 17.0 acres from 35-2269E (11.5 acres) and 35-2269F (5.5 acres) that will authorize the diversion from the ground water well to irrigate 17.0 acres under two mini pivots.

The applicant filed a second transfer (82038) simultaneously with this transfer, to change the point of diversion and place of use for another portion of water rights 35-2269E and 35-2269F. The applicant has another ground water well located in the SWNE of Section 9, 02S, 33E with no water rights. The applicant also seeks to change the point of diversion and place of use for a combined 12.5 acres from 35-2269E (6.5 acres) and 35-2269F (6.0 acres) that will authorize the diversion from the ground water well in the SWNE to irrigate 12.5 acres under one mini pivot.

Transfers 82037 and 82038 will be processed at the same time. The remaining totals described under 35-2269E and 35-2269F will reflect the combined changes after the approval of transfer 82037 and 82038.

Authority to File:

The applicant is the current owner of water rights per IDWR record and owner of the property at the proposed point of diversion and proposed place of use per Bingham County taxlot data (updated 6/28/2017). Jerry Elliot who is an owner of E & H Farms LLC signed the application.

Water Right Validity:

These water rights were decreed in 2002. In review of aerial photography available to the department there is no clear and convincing evidence showing that forfeiture has occurred. Forfeiture is not an issue.

Injury to Other Water Rights:

These water rights are within the ESPA and regulated by WD 120. The points of diversion are within the same ESPA model cell. No ESPA analysis required. This transfer was advertised and there are no protests. The watermaster does not oppose the application.

Enlargement of Use:

The approval of this transfer will not result in an enlargement of a water right.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.