

MEMORANDUM

Date: November 30, 2017

To: Transfer 81803

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 81803 proposes to change the point of diversion for water right 31-2443. The point of diversion will change from the SWNWSE of Section 10 to the NWSE of Section 10. The transfer will simply remove the 10-acre tract reference for this point of diversion. Water right 31-2443 includes a second point of diversion (in the NWSW of Section 10), which will not change.

In March 2013, BLF Land Inc. obtained a drilling permit to replace the well in the SWNWSE of Section 10. The replacement well was not drilled in the correct 10 acre tract. It was actually drilled in the SENWSE of Section 10, close to the center of the pivot. This transfer will update the water right record to reflect the actual location of the new well.

The transfer application had a minor discrepancy. Water right 31-2443 authorizes a diversion rate of 7.0 cfs. The application stated that only 3.5 cfs was proposed to be transferred, although the application included a filing fee of \$980, which is commensurate with a transfer for 7.0 cfs. In an email, TJ Budge, attorney for Pinnacle, clarified that the application was intended to transfer the full 7.0 cfs authorized under the right. In other words, no rate limit should be placed on the new well.

Authority to file:

The water right is currently in the name of BLF Land Inc. In June 2017, Pinnacle Great Plains Operating Company LLC purchased the entire place of use for water right 31-2443 from BLF Land. Pinnacle filed an ownership change for water right 31-2443 (and other water rights) at the same time this application was filed. The application included a copy of the required warranty deeds to complete the ownership change.

Validity of the Water Right:

Water right 31-2443 was decreed on February 22, 2002. Aerial photography shows that at least 350 acres were irrigated on the property in 2014. Handlines and green vegetation can be seen in the pivot corners. Forfeiture is not an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. An ESPA transfer tool analysis was not required as the existing well and proposed correction are in the same model cell. The application was advertised, no protests were received. The water master for WD110 was notified of the transfer and did not oppose the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.