

MEMORANDUM

Date: September 7, 2017

To: Transfer 81756

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer (Exchange) No. 81756 proposes to change a portion of water right 13-963. The split portion will be diverted from an unnamed spring tributary to the Bear River. The split portion will have a new POD, POU, and a new Nature of Use. The proposal is an exchange because water will be diverted from the spring, rather than the Bear River. The exchange is accomplished as water depleted from the spring source, is replaced by water left unused in the Bear River system. Water right 13-963 originally authorized 4,000 af of storage at the Cove Dam near Grace. It inherently included evaporation. The new ponds will also include an evaporation component. A new water right application was also received from PacifiCorp (13-7996 for 1.0 cfs from the unnamed spring) to cover the flow through component of the fish ponds.

Authority to file:

Water right 13-963 and the new place of use for the ponds is currently owned by PacifiCorp. The BLM owns the property at the proposed POD. PacifiCorp obtained a right of way from the BLM on August 23, 2017.

Validity of the Water Right:

Water right 13-963 was decreed on July 17, 1920. The water right was accepted into the Water Supply Bank on March 1, 2013, the lease expiration date was December 31, 2017. The right has now been withdrawn from the Water Supply Bank to allow this transfer application to occur. The remainder of the right will likely be placed back into the Water Supply Bank. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. There are no recorded rights from the proposed spring source. The application was advertised, the BLM protested the application. The protest was withdrawn based on certain conditions being added to the transfer and permit. The water master for WD11 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.