

MEMORANDUM

Date: May 9, 2017
To: Transfer 81369
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer (amended) proposes to change the point of diversion, add points of diversion and change the place of use for water rights 31-7136 (base) and 31-10699 (enlargement). This transfer also proposes to add a point of diversion and change the place of use for water right 31-2435. Walker Land & Cattle finalized a real estate contract with NKC Great Plains LLC which resulted in three transfer applications being filed (81368, 81369, 81473). The purpose of these transfers is to exchange water rights to improve the priority dates for property now owned by NKC, Great Plains LLC and to increase the rate of diversion per acre for the property that was retained by Walker Land & Cattle (applicant). Through transfers 81369 and 81473 the applicant seeks to exchange water rights to increase the rate of diversion per acre for the property at the proposed places of use. This transfer will combine water rights 31-7136, 31-10699 and 31-2435 into a 782.0 acre combined place of use. The applicant will utilize three existing wells.

Water rights 31-7137, 31-7138, 31-2365A and 31-2374D were added to this transfer as associated water rights. Conditions of approval were updated to reflect the changes made through 81368, 81369 and 81473.

Authority to File:

The applicant is the current owner of water rights per IDWR record and owner of the property at the current place of use, proposed points of diversion and proposed place of use per Jefferson County and Fremont County taxlot data. Lorin Walker who is a member of Walker Land & Cattle signed the application. Wells Fargo who has a security interest on the water rights involved in this transfer consents to the application.

Water Right Validity:

Water rights were decreed in 2002. Aerial photography shows land consistently irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. The changes being proposed through transfers 81369 and 81473 essentially offset impacts to the ESPA river reaches. An additional 1.7 af/trimester (consumptive use) will be diverted from the proposed points of diversion described under this transfer. It is clear that impacts to the ESPA river reaches will be less than 2.0 af/trimester. No ESPA analysis will be required.

Transfers 81368 and 81369 (initial application) were protested by Wells Fargo who holds a lien on the property owned by Walker Land & Cattle. Wells Fargo was concerned that the exchanging of water rights through these transfers would reduce the water available for irrigating the land being retained by Walker Land & Cattle. To resolve Wells Fargo's protest transfer 81369 was amended and Walker Land & Cattle filed transfer 81473. This transfer was advertised state wide and was not protested. The watermaster does not oppose this transfer.

Enlargement of Use:

No issues identified.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.