

MEMORANDUM

Date: February 28, 2017
To: Transfer 81368
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use and add a point of diversion for water rights 31-2365B, 31-7093, and 31-7136 (9.6 acre portion). This transfer will also change the point of diversion for water right 31-7136 (9.6 acre portion). Walker Land & Cattle is currently in a real estate contract with NKC Great Plains LLC for property involved in this transfer. As part of the purchase agreement, Walker Land & Cattle was required to file additional transfers (81369, 81473). The purpose of these transfers is to exchange water rights to improve the priority dates for the property being purchased by NKC, Great Plains LLC and to increase the rate of diversion per acre for the property being retained by Walker Land & Cattle.

Transfers 81368 and 81369 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. Amending transfer 81369 and filing transfer 81473 will resolve the rate of diversion per acre concern raised by Wells Fargo.

Transfer 81369 (amended) proposes to move water rights 31-10699 (enlargement) and 31-7136 (120.4 acre portion) and combine them with water right 31-2435 to create a 782.0 combined place of use.

Transfer 81473 proposes to move water right 31-2427C to backfill 260.0 acres under water rights 31-7136 (portion) and 31-7093 that are being moved through transfer 81368.

Transfer 81473 and 81369 (amended) will need to be advertised.

Due to financial conditions Walker Land & Cattle requests that transfer 81368 be processed and approved immediately.

Because the applicant requests that transfer 81368 be approved prior to transfers 81369 and 81473 the water rights involved in this transfer will temporarily be overlapped with enlargement water right 31-10699.

Authority to File:

The applicant is the current owner of water rights per IDWR record and owner of the property at the proposed points of diversion and place of use per Fremont County taxlot data. Lorin Walker who is a member of Walker Land & Cattle signed the application.

Water Right Validity:

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

Injury to Other Water Rights:

Inside the ESPA and within WD 110. The current and proposed point of diversion locations are within the same or adjacent ESPA model cells. No ESPA analysis is required. This transfer was advertised and protested. The protest has been resolved. The watermaster does not oppose the transfer application.

Enlargement of Use:
No issues identified.

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.