

MEMORANDUM

Date: November 29, 2016
To: Transfer 81042
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the points of diversion for rights 25-14382, 25-14398, and 25-14399. It also updates the ownership of the rights.

Authority to File:

The applicant, Jefferson County Parks and Recreation, has the authority to file. The ownership of the rights will be updated to Jefferson County based on deeds submitted with the application.

At the time of transfer submittal, right 25-14382 was in the name of Idaho Water Company. A "Special Warranty Deed," numbered 407210 and dated August 30, 2013, specifically conveys water right 25-14382 from Idaho Water Company to Jefferson County.

At the time of transfer submittal, rights 25-14398 and 25-24399 were in the name of Foster Land & Cattle. Two Special Warranty Deeds submitted with the application convey ownership of the rights from Foster Land & Cattle to Jefferson County Parks and recreation. The first deed, numbered 409139 and dated December 18, 2013, conveys the two rights from Foster Land and Cattle to Idaho Water Company. The second, numbered 410779 and dated April 10, 2014, conveys the water rights from Idaho Water Company to Jefferson County.

The application was signed by Rebecca Squires, Director of Jefferson County Parks and Recreation. Based on Jefferson County taxlot data, Jefferson County owns the land at the points of diversion described in this transfer.

Water Right Validity:

The water rights are valid.

Right 25-14382 was part of a transfer approved in September 2012.

Rights 25-14398 and 25-14399 were involved in a transfer approved in January 2014.

Injury to Other Water Rights:

No other water rights will be injured as part of this transfer.

The transfer was advertised and no protests were received.

The Watermaster for Water District 120 was notified of the transfer and did not oppose it.

The current and proposed points of diversion are all within the same ESPAM2 model cell.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.

Rate, volume, nor irrigated acres are authorized to increase.

The volume and rate conditions were updated on rights 25-14398 and 25-14399. At the time of transfer submittal the conditions on both rights stated that they could not provide more than 3.5 afa per acre at the field headgate when combined with other water rights. However, at the time this transfer was submitted the volume component of the rights specifically authorized 4.0 afa per acre at the field headgate. They were also decreed with 4.0 afa per acre at the headgate. The rights were contemplated in Transfer 78398, at which time the 3.5 afa per acre condition was added. However, the volume of the rights were not

reduced. Additionally, the memo of that transfer makes no mention of a reduction in volume. The conditions limiting the volume were therefore updated to 4.0 afa at the headgate to reflect applicable volumes for the area, as well as the decreed volume.

With regards to rate, when combined the rights provide less than 0.02 cfs/acre. The rate limitation conditions were therefore reduced from a maximum of 0.03 cfs/acre to a maximum of 0.02 cfs/acre on rights 25-14398 and 25-14399.

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.