

MEMORANDUM

Date: September 20, 2016
To: Transfer 81206
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for water rights 35-2244, 35-2358, 35-13682, 35-13683, 35-13684, 35-13685, 35-13687, 35-13689, 35-13774, 35-13775, 35-13776, 35-13777, 35-13822 and 35-13953. The applicants filed this transfer in response to an unauthorized water use letter sent in November, 2015. Approximately 26.0 acres are being irrigated outside the place of use boundary described under the water rights listed above. The applicants seek to rearrange the place of use for these water rights to include the 26.0 acres.

Authority to File:

The applicants are the current owners of the water rights per IDWR record. The current place of use for these water rights are appurtenant to property owned by the applicants, Black Rock Partnership, and the State of Idaho. Even though the place of use includes property owned by Black Rock Partnership and the State of Idaho, the acres being changed under this transfer is only appurtenant to land owned by Brad and Sharol Foster. This transfer will not affect or change the water rights associated with the properties owned by Black Rock Partnership and the State of Idaho. Luke Marchant who is the applicant's attorney signed the application.

Water Right Validity:

Water rights were decreed in the early 2000's. Aerial photography shows land consistently irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

These water rights are within the ESPA common groundwater boundary and within WD 120. This transfer was filed in response to an unauthorized water use letter sent in early November, 2015. The points of diversion will not change. This transfer will be processed with no advertisement. The watermaster does not oppose this transfer.

Enlargement of Use:

The applicants are drying up 26.0 acres under the current place of use to cover the 26.0 acres being irrigated without a water right. No enlargement 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.