

MEMORANDUM

Date: September 6, 2016

To: Transfer 81054

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 81054 proposes to combine the places of use for water rights 33-24, 33-25, 33-26C, 33-27, 33-28, 33-29, 33-30, 33-65, 33-115, 33-10999, 33-2117A, 33-7027, 33-10109, 33-36C, 33-39A, 33-40A and 33-2108A to create a 1,655-acre combined place of use. Transfer also proposes to define a specific 1,362-acre place of use within the 1,655 PPU for the four ground water rights: 33-7027, 33-2117A, 33-2108A and 33-10999. The ground water rights currently list single points of diversion. Points of diversion will be combined on each right and a third unrelated, existing well will be added to all of the rights. All of the rights will describe three points of diversion. Points of diversion in Sections 29 and 33, T06N, R29E are injected into Little Lost River and re-diverted at Pancheri's LLR headgate.

The transfer application contained pages 2B (Split) for several of the water rights in this transfer. On 7/25/2016 the applicant's representative was contacted to clarify the reason for including 2B. The representative was under the impression that the Department required the completion of 2B indicating which acres were being moved for the combined place of use. It was determined that an amended application would not be necessary and the transfer moved forward, simply disregarding page 2B of the transfer application.

During the transfer review process, an error was discovered in the decree for water rights 33-2117A and 33-10109. The decree's for these rights included a condition that listed two different volumes for a combined limit. Both of the listed volumes were incorrect, one being higher than the allowed diversion rate could produce and the other being lower than is allowed under the rights. The volume on these two rights was corrected based on the authorized diversion rate in a combine use limit.

Authority to file:

The water rights and the place of use are currently in the name of Pancheri Inc. The application was signed by Rod Pancheri a representative of Pancheri Inc, who has signature authority for the company.

Validity of the Water Right:

Water rights 33-36C, 33-39A, 33-40A and 33-2108A were decreed on August 11, 2000. Water right 33-30 was decreed on December 5, 2001. Water rights 33-2117A and 33-10999 were decreed on March 7, 2002. Water rights 33-7027, 33-65, 33-24, 33-25, 33-26C, 33-27, 33-28, 33-29, 33-115 and 33-10109 were decreed on March 8, 2002. Aerial photography shows consistent irrigation. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. An ESPA analysis was conducted and submitted with the application. The analysis was set up correctly and showed that no mitigation is required. Applicant claims that the well in Section 14 will not divert any more water. ESPA transfer tool was set up to move full diversion rate to the wells in Sections 29 and 33 not to well in Section 14. Condition will be added limiting diversion from Section 14 well to existing rate (7.86 cfs) and volume (3351.9 af). The application was advertised, no protests were received. The water master for WD33 was notified of the transfer and did not oppose the transfer.

Local Public Interest / 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.