

MEMORANDUM

Date: May 10, 2016
To: Transfer 80820
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the place of use for water rights 35-7018A, 35-8070, 35-13712 and 35-13714. This transfer also proposes to change the point of diversion for water rights 35-7018A, 35-13712 and 35-13714. The applicants filed this transfer in response to an unauthorized water use letter sent in December, 2015. The applicants seek to cover land currently being irrigated without a water right. The applicants seek to utilize the point of diversion described under right 35-8070. Right 35-7018A is currently diverted out of the same point of diversion as right 35-8070, but the right is described to a ten acre tract. The applicants seek to change the point of diversion for right 35-7018A by removing the ten acre tract legal description. Rights 35-7018A, 35-8070, 35-13712 and 35-13714 when combined will be limited to 109.6 acres.

It is important to note that the acre limits described under rights 35-13712 and 35-13714 is in error. The acre limit for water right 35-13712 should be 2.8 acres and the acre limit for water right 35-13714 should be 5.8 acres. It is also important to note that a condition of approval that limits rights 35-13712 and 35-13714 to 0.11 cfs is in error. These errors occurred during an ownership change in 2008. The acre limits were corrected and conditions of approval were removed from the water rights. The transfer approval will reflect these changes.

Authority to File:

The applicants are the current owners of water rights per IDWR record and owner of the property at the proposed point of diversion and proposed place of use per Bingham County taxlot data. Rob Harris who is the applicants attorney signed the application.

Water Right Validity:

Rights 35-7018A, 35-13712 and 35-13714 were decreed in 2002. Right 35-8070 was licensed in 1992. 2015 aerial photography shows 109.6 acres being irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Within the ESPA common ground water area and WD 120. Points of diversion are within the same ESPA model cell. No ESPA required. This transfer was advertised and there are no protests. The watermaster does not oppose the transfer.

Enlargement of Use:

This transfer proposes to cover land 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.