

MEMORANDUM

Date: May 5, 2016
To: Transfer 80753
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 80753 for water right 35-13888 proposes to split a portion of the right and move that portion to a new place of use with a new point of diversion. A companion transfer was also submitted to move the remaining portion of this right to a new place of use with a new point of diversion.

Authority to file:

The water right and the current place of use are in the name of the applicant. The new place of use and point of diversion are in the name of Art Kress and Sons Inc. The application contained a special agreement between Stephen Hunt and Art Kress and Sons Inc. (Lee Kress, president) allowing the use of the split portion of water right 35-13888 at the new place of use.

Validity of the Water Right:

Water right 35-13888 was licensed on January 4, 2002. Aerial photography does not show consistent irrigation. However, the application contained an affidavit from Stephen Hunt indicating that this water right was used at the existing place of use during the 2010 irrigation season. 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. The application was advertised, no protests were received. The water master for WD120 was notified of the transfer and did not oppose the transfer.

Local Public Interest:

No issues identified.

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.