

MEMORANDUM

Date: December 10, 2015

To: Transfer 79757

From: Scott Bergendorf

Re: Transfer Analysis

Applicant proposes to change the place of use for water right 34-2421 and change the place of use and points of diversion for a portion of water rights 34-20C, 34-181, 34-688A, 34-689A, 34-2374A, 34-2374B, 34-2394, 34-2421A, 34-10740, 34-10742, and 34-10744.

Water right 34-2421 was recently split as part of Transfer 80488. 32 acres of the 64-acre right was moved to a different location. This transfer rearranges the remaining 32 acres to reflect current irrigation practices. 32 acres under water right 34-2421 will be combined with 46 acres from the other water rights to create a 78-acre combined place of use.

8 acres will be transferred from water rights 34-2394, 34-181, 34-688A, and 34-689A.

29 acres will be transferred from water rights 34-2374A, 34-10740, 34-10742, 34-10744, and 34-2374B.

9 acres will be transferred from water rights 34-2421A, and 34-20C.

Authority to File:

The applicant is the current owner of the water rights per IDWR record and owner of the proposed place of use per warranty deed. Some of the listed water rights in the application will be updated to the applicants name. Velma Metcalf currently holds the mortgage on some of the water rights involved in this transfer and has provided a letter consenting to the transfer.

The remaining portion and split portion of water right 34-2374B will remain in the name of Velma Metcalf. The portion of water right 34-10744 that is in Section 5 of 06N 25E will remain in the name of Velma Metcalf.

Water Right Validity:

All water rights were decreed during the Snake River Adjudication. 2011 aerial photography indicates regular use of the water rights. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA. ESPA analysis indicates no additional mitigation is required. This Transfer was advertised and no protests were filed. Watermaster does not oppose the transfer. Injury to other users is not apparent.

Enlargement of Use:

The proposed change will not result in enlargement of use. Neither rate nor acres will increase as a result of the transfer. Prior to transfers 79757 and 80488, the place of use listed on water right 34-2421 included the NWNW of Section 12, T06N, R25E. This same QQ is now covered by multiple water rights in the name of Keith and Juanna Lewis. In 2010, Lynn Metcalf (previous owner of 34-2421) and Lewis traded ground and agreed to move water rights to their respective properties. Lewis successfully transferred his water rights onto the NWNW of Section 12 (which Lewis now owns). Metcalf attempted to move his rights off of the NWNW of Section 12, and onto the SENW of Section 12, but was held up due to ownership issues. Metcalf went ahead and irrigated his ground in the SENW of Section 12, even though the transfer

was not approved. Although the rights are currently assigned to the same QQ, the Lewis rights and water right 34-2421 have never actually been used in combination. Moving water right 34-2421 off of the Lewis property, to the SENW of Section 12, will not result in an enlargement.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

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.