

MEMORANDUM

Date: December 8, 2015

To: Transfer 80488

From: Scott Bergendorf

Re: Transfer Analysis

Applicant, Moss Farms, proposes to change the point of diversion and place of use for a 32 acre portion of water right 34-2421. Water right 34-2421 is the subject of a settlement agreement allowing surface water rights 34-322 and 34-323 and ground water right 34-2421 to be unstacked and completely severed. In the agreement, the owner of surface rights 34-322 and 34-323 is required to stack a portion of the rights at the new place of use. Similarly, the owner of water right 34-2421 is required to stack 32 acres of the right with existing surface water rights. This acres proposes to split a 32-acre portion of 34-2421 and stack it with existing surface rights, meeting the terms of the settlement agreement and avoiding enlargement of the rights. The 32 acre portion will be transferred onto the Moss property and irrigated through an existing system. No new wells will be drilled.

Authority to File:

Water Right 34-2421 is owned by Wight Enterprises LLC. Applicant has provided an agreement authorizing the applicant to lease the water right and transfer it to the proposed POU. Moss Farms owns the property at the proposed POU per Butte County taxlot data and owns the existing water right on the property.

Water Right Validity:

Water right 34-2421 was decreed in 2001. Aerial photography indicates regular use of the water right. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 34. ESPA analysis indicates no additional mitigation is required. This transfer was advertised and no protests were filed. Water master does not oppose the transfer.

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. Although water right is being unstacked from surface rights, because it is being stacked with similar surface rights at the proposed place of use, enlargement is not an issue. No other enlargement issues identified.

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.