

MEMORANDUM

Date: December 7, 2015

To: Transfer 79756

From: Scott Bergendorf

Re: Transfer Analysis

Applicants, Paul and Marianne Lanier, propose to change the point of diversion and place of use for water rights 34-322 and 34-323; and to rearrange the place of use for water rights 34-241, 34-533, 34-2324, 34-10461, and 34-12356.

Water rights 34-322 and 34-323 are currently stacked with ground water right 34-2421. This transfer will unstack the water rights pursuant to an agreement between the Laniers and Gary Wight (owner of 34-2421). According to the agreement, the Laniers must stack 32 acres of water rights 34-323 and 34-322 with an existing ground water right to prevent an enlargement. This transfer satisfies that requirement.

Applicants propose to transfer the entire 70.0 acres of 34-322 and 34-323 off of its current place of use. A 38 acre portion of the POU is not required to be stacked with any other water rights. The remaining 32 acre POU will be stacked with the existing water rights 34-241, 34-533, 34-2324, 34-10461, and 34-12356. No new wells will be drilled. This transfer will be approved simultaneously with transfer 79757, which moves water right 34-2421.

Authority to File:

Applicants approve of the transfer of water rights 34-322 and 34-323 from their property to the property owned by the Magee Family Trust. Ownership of these water rights be changed to the Magee Family Trust upon approval of this transfer. Water rights 34-241, 34-533, 34-2324, 34-10461, and 34-12356 are owned by the Magee Family Trust who approve of the proposed transfer.

Water Right Validity:

Water rights 34-241, 34-533, 34-2324, 34-10461, and 34-12356 were decreed in 2001, and water rights 34-322 and 34-323 were decreed in 2011. Aerial Photography indicates regular use of the water rights. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA. Transfer only proposes to change the points of diversion for surface rights 34-322 and 34-323. Water rights 34-322 and 34-232 will change the delivery point on the Big Lost River for 1.6 cfs from the Burnett Ditch to the Darlington Ditch. This transfer was advertised and no protests were filed. Watermaster does not oppose the transfer. Injury to other users is not apparent. The ground water portion of the stacked water rights in this transfer is authorized to irrigate 135 acres when surface water is not available. Applicant has submitted a shapefile indicating the ground water POU when surface water is not available.

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. No 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.