

MEMORANDUM

Date: December 2, 2015
To: Transfer 80176
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer rearranges the POU for 10 combined water rights.

Authority to File:

The applicant, King Creek Grazing Association, has the authority to file. The application was signed by Thomas J. Budge, an attorney representing King Creek Grazing Association. King Creek Grazing Association owns the land from and onto which the water rights are being moved. King Creek Grazing Association is the owner of the water rights according to the Department's database.

Water Right Validity:

The water rights are valid. They were all decreed in 2007. Review of post-decree aerial photography demonstrates consistent irrigation.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The Watermaster for Water District 29 was notified of the transfer and did not provide comment.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Neither rate or irrigated are authorized to increase.

Discovered errors in the water rights arising from a 2007 transfer approval. The extended season of use for all of the water rights (except 29-10331 and 29-10332) should be 4/1 to 10/31. Further, water right 29-10331 was inadvertently left off of combined limits. These errors have been corrected in Transfer Approval 80176.

There is ambiguity in the individual acre limit for water right 29-10331 and the combined acre limit for rights 29-10331 and 29-10332. I have chosen to resolve the ambiguity in favor of the water user. The individual acre limit for right 29-10331 and the combined acre limit for rights 29-10331 and 29-10332 will be 157.4 acres.

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.