

MEMORANDUM

Date: November 9, 2015

To: Transfer 79291

From: Scott Bergendorf

Re: Transfer Analysis

Applicant proposes to change the place of use for water rights 34-13752, 34-13754, 34-13756, 34-13758, and 34-13760; change the point of diversion for water rights 34-13752, and 34-13754; and remove one of the two POD's for water rights 34-13756, 34-13758, and 34-13760.

The transfer was filed to correct the POU and POD which, through transfer 69964, was incorrectly placed on the parcel of land adjacent to the intended POU. The proposed POU has the existing ground water right 34-10093 for 1 acre on the property. All water rights would have a combined POU of 3.5 acres; however, the proposed POU has irrigated only 2.5 acres in the last 5 years. Therefore, all the water rights will be consolidated and combined to the limited irrigation of 2.5 acres.

Authority to File:

The applicant is the current owner of the water rights per IDWR record and the owner of the proposed place of use per Custer County taxlot data.

Water Right Validity:

Water rights were decreed in 2001. Aerial photography shows that the proposed POU has historically irrigated 2.5 acres. All water rights combined on the proposed POU will be consolidated to the irrigation of 2.5 acres.

Injury to Other Water Rights:

Inside the ESPA and WD 34. Transfer was advertised and no protests were filed. Points of diversion are within adjacent model cells and therefore, no ESPA Transfer analysis is required. The physical diversion system for the POU will not change as this is simply a correction to a previous transfer that incorrectly placed the POU in an adjacent parcel of land. The 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.

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.