

MEMORANDUM

Date: October 21, 2015

To: Transfer 80079

From: Scott Bergendorf

Re: Transfer Analysis

Applicant proposes to split off portions of water rights 31-7267A and 31-10964A and combine the split portions of the rights with right Rights 31-12174, 31-12242, 31-12244, 31-12278, 31-12280, 31-12282, 31-12284 and 31-12286 to create a 86.9 acre combined place of use. The transfer application was filed to address a Notice of Violation for unauthorized acres.

This application was submitted simultaneously with three other transfer applications. All of the transfers propose to move split portions of water rights 31-7267A and 31-10964A. The other three transfers (80087, 80094 and 80105) were advertised with no protest and approved at the same time on 8/27/2015. This transfer (no. 80079) was protested and settlement agreement was reached with the condition that the end guns on the pivot in this transfer cannot be turned on until an additional 5.1 acres of ground water water rights are transferred to the pivot

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 Jefferson County tax lot data.

Water Right Validity:

Water rights were decreed in 2002. Acres proposed to be transferred for water rights 31-10964A and 31-7267A are currently in the water supply bank. Applicant will file to have rights released from the bank when the transfer is approved. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 110. No new wells will be constructed. ESPA analysis indicates no additional mitigation is required. The mitigation analysis submitted by Rocky Mountain was incorrect. A correct analysis was conducted by IDWR staff and no mitigation is needed. The watermaster 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.