

MEMORANDUM

Date: September 15, 2015
To: Transfer 80310
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and place of use of a 20-acre portion of right no. 35-2610.

Authority to File:

Department records show the applicant as the current owner of the right. The applicant recently sold the 20-acre parcel to which the transferred portion of the right was appurtenant. However, review of the warranty deed shows that the applicant retained ownership of the water right by specifically withholding water rights from the sale. The transfer application was signed by the applicant's attorney, who is authorized to sign on behalf of the LLC. Power County taxlot data shows the applicant as the owner of the proposed point of diversion and place of use.

Water Right Validity:

Right no. 35-2610 was decreed in the SRBA in 2002. Review of the post-decree photography shows consistent irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights should not be impacted by the proposed change because the total authorized to be diverted under the right will not increase. The proposed point of diversion is located near the current point of diversion in an adjacent model cell. Ground water levels in a nearby observation well have been fairly stable over the years. There is no evidence that the proposed change will reduce the quantity of water available to other water rights. The transfer application was advertised and no protests were filed. The Water District 120 Watermaster reviewed the application and did not oppose its approval.

Enlargement of Use:

The proposed change will not result in enlargement because neither rate, nor volume, nor irrigated acreage will increase as a result of the transfer. There are no overlapping water rights at either the current or proposed place of use. The current place of use will no longer be irrigated.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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.