

MEMORANDUM

Date: July 31, 2015
To: Transfer 80094
From: Scott Bergendorf
Re: Comment/Analysis

Applicant proposes to split off portions of water rights 31-7267A and 31-10964A and combine the split portions of the rights with rights 31-7154A, 31-7545 and 31-12077 to create a 130.6 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. One of the transfer applications (no. 80079) was protested and cannot be approved until the protest is resolved. The other three transfers (80087, 80094 and 80105) will all be approved at the same time. The remaining portions of water rights 31-7267A and 31-10964A will reflect the approval of three transfers at the same time.

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. Aerial photography shows that land under water rights 31-7154A, 31-7545 and 31-12077 being irrigated. 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. Points of diversion are within adjacent cells; therefore no ESPA analysis is required. Transfer was advertised and no protests were filed. 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.