

MEMORANDUM

Date: April 8, 2015
To: Transfer 79903
From: Scott Bergendorf
Re: Transfer Analysis

Applicant proposes to change the nature of use for part of the irrigation portion of water right 11-4022. Nature of use will be changed from irrigation to mitigation as prescribed in the mitigation plan for the approval of water right permit 11-7796. This transfer is expanding the original mitigation of 3.24 CFS from transfer 72318 which was approved in 2006. The proposed transfer will add 1.27 CFS to mitigation as per the conditions of water right permit 11-7796 which was approved in February 2015. Total dried up acres for full mitigation will be 184.8 acres.

Authority to File:

Applicant provided an agreement with Fish Haven Water users to submit the application for transfer.

Water Right Validity:

Water right is a Statutory Claim. The Department conducted a detailed review of water right 11-4022 as part of the contested case proceedings for Permit 11-7481. Water right 11-4022 was found to be a valid water right. Forfeiture is not an issue.

Injury to Other Water Rights:

Injury to other rights is not apparent. Mitigation volumes will be reported annually as per mitigation plan requirements for WR 11-7796. Application was advertised and no protests were made. Watermaster did not comment on 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.

No issues identified.

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.