

MEMORANDUM

Date: October 28, 2014
To: Transfer 79006
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add points of diversion and change the place of use for ground water rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223. This transfer also proposes to change the place of use for surface water right 34-622A. The applicant seeks to combine these water rights into the same irrigation system to irrigate 594.0 acres within a 620.0 acre permissible place of use. The applicants seek to add points of diversion to have the flexibility to divert these water rights out of any five wells that they can utilize.

Authority to File:

The applicants are the current owners of water rights per IDWR record and owners of the property at the proposed place of use per Butte County taxlot data. Rob Harris who is the applicants attorney signed the application. Farm Bureau Finance Company holds a real estate mortgage on the property at the place of use. Farm Bureau consents to the transfer.

Water Right Validity:

Water right 34-622A was decreed in 2001. Water rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223 were decreed in 2002. Aerial photography shows land consistently being irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Water rights are inside the ESPA model grid boundary and are within WD 34. This transfer was advertised and was protested. The protests have been resolved based on an stipulation agreement. According to the agreement the point of diversion for exchange water rights 34-7096A, 34-7097A and 34-7223 will not change. Non-exchange water rights 34-7035A and 34-7122A will not divert from the points of diversion authorized under exchange water rights 34-7096A, 34-7097A and 34-7223. Non-exchange water rights 34-7035A and 34-7122A will include an additional well located in the SESENW of 04N, 26E, Sec 5. The points of diversion for the non exchange wells are within adjacent ESPA cells. No ESPA analysis required.

Enlargement of Use:

This transfer seeks to combine ground water rights 34-7035A, 34-7096A, 34-7097A, 34-7122A and 34-7223, and surface water right 34-622A into the same 620 acre permissible place of use. To avoid an enlargement of the ground water rights the applicants are required to identify the land they will irrigate with the ground water rights and the land they will irrigate with the surface water right. No other enlargement issues are identified. Roger Totten who was the water master at the time this application was filed did not oppose the transfer.

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.