

MEMORANDUM

Date: October 6, 2014

To: Transfer 79422

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 79422 proposes to move the point of diversion for water right 29-2237A 2000 linear feet downstream to the dam of an existing pond. The transfer also proposes to change the nature of use for the water right from irrigation to irrigation storage for an on-stream pond. 1.7 acres of the water right will be dried up to cover the initial fill of the pond and evaporation losses. The place of use will be re-arranged to cover existing irrigation practices.

The application was amended multiple times to better reflect how water is actually used on the property. According to the applicant's consultant, Rocky Mountain Environmental Associates, the storage pond is filled multiple times during the irrigation season and drained multiple times as water is pumped out of the pond for irrigation use.

Authority to file:

The water right and the current and proposed place of use are currently in the name of Kimberly Whittier Williams Trust.

Validity of the Water Right:

Water right 29-2237A was decreed on March 22, 2004. Aerial photography shows consistent irrigation. Forfeiture does not appear to be an issue.

Enlargement/ Injury to Other Water Rights:

Even though there will be a change in nature of use for the full water right, the water right volume was not reduced to reflect the historic consumptive use. Because the water right will still be used for irrigation (now from storage) and the storage pond volume is fully offset by drying up acres, the water right volume for the remaining acres will be kept at 3.5 af/acre. In order to prevent injury to other water rights or enlargement of this right, the right will be strictly limited to 5.3 acres of irrigation, without any future spreading of the storage water. 1.7 acres of the right must be dried up to offset the initial fill of and evaporation from the pond. No injury to other water rights was identified. The application was advertised; no protests were received. The water master for WD29O was notified of the transfer and did not provide any comment.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.