

## MEMORANDUM

**Date:** August 18, 2014

**To:** Transfer 79417

**From:** Scott Bergendorf

**Re:** Transfer Analysis

This transfer propose to change the point of diversion and change place of use for water rights 11-373 and 11-375. The place of use will be updated to accommodate a center pivot on the property. The original decree did not specify the number of irrigated acres per QQ. This transfer will better define the combined place of use for the water rights. Rights 11-373 and 11-375 will be combined into a 170.0 acre place of use.

**Authority to File:**

The applicants are the current owners of water rights per IDWR record and owners of the proposed place of use and point of diversion per Caribou County taxlot data.

**Water Right Validity:**

Water Rights were decreed in 1920 Bear River Decree. Review of aerial photography indicates regular use of the water rights. Forfeiture is not an issue.

**Injury to other Water Rights:**

Injury to other rights is not apparent. The point of diversion will move approximately one mile downstream on Bailey Creek. Sufficient water is available for diversion at the existing and proposed points of diversion. Bailey Creek is rarely under regulation. This transfer was advertised and there are no protests. Water master 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.