

MEMORANDUM

Date: August 20, 2014

To: Transfer
79062

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to combine four water rights into a permissible place of use (PPU) due to a change in system configuration. A point of diversion will be added to three of these rights, and the points of diversion that were formerly described down to the ten acre tract will be changed to the current standard. Two interconnected wells will serve the place of use.

Authority to File:

Department records show the applicant as the current owner of the rights. The transfer application was signed by the applicant's attorney, who is authorized to sign on behalf of the LLC. The mortgage holder provided written assent to the transfer.

Right no. 35-8149 covers 17.9 acres within a PPU of 187 acres. Even though Wayne Landon owns a portion of the PPU, he fully assigned permit no. 35-8149 to Ladd Holmquist, predecessor of the applicant. The specific 17.9 acres irrigated was obviously located on Holmquist's land because Landon's land was already fully covered at an inch to the acre by senior priority right no. 35-7261A.

Water Right Validity:

Right nos. 35-2804 and 35-7261B were decreed in the SRBA in 2002, and right no. 35-14276 was decreed in 2013. Right no. 35-8149 is based on an active license issued in 1997. Review of post-1997 aerial photography shows regular irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed changes. The PPU will give the applicant flexibility in the use of these rights and will incorporate recent irrigation system changes. Although a point of diversion is being added to three of the rights, the quantity authorized to be diverted will not change as a result of the transfer. These three rights also include changes in points of diversion. However, the change is in legal description only, as the physical well locations will not change. The wells are located very close to QQ lines, and the legal descriptions are being updated to reflect recently acquired GPS locations. Since the two points of diversion are located in adjacent ESPA model cells, an ESPA analysis was not necessary. The watermaster reviewed the application and did not oppose its approval. The transfer application was advertised and no protests were filed.

Enlargement of Use:

The proposed changes will not result in enlargement because neither rate, volume, nor the number of acres authorized for irrigation will increase as a result of the transfer. Most of the current place of use will continue to be irrigated by these rights, but the proposed PPU contains some land previously irrigated exclusively with surface water. Some of the land previously irrigated exclusively with surface water will be irrigated by these ground water rights. Some land previously irrigated exclusively with these ground water rights will be irrigated by surface water. Companion transfers 79060 and 79061 were filed to change the place of use of the surface water rights. The total number of acres irrigated by ground water and by surface water will remain unchanged. None of the rights included in the three transfers will be enlarged beyond what is currently authorized under each right.

Right 35-2804 contained a condition which said that the right was combined with water from New

Sweden Irrigation District. However, that condition incorrectly appeared on the water right because no part of the place of use was located within the service area of the District. The right did not overlap with New Sweden Irrigation District until about 20 acres covered by right 35-2804 was annexed into the District in 2012. Therefore, there was no overlap.

Right no. 35-8149 contains a condition which refers to combined limits with right no. 35-7261. However, right no. 35-7261 has since been split into 35-7261A and 35-7261B. If this transfer is approved, the quantities decreed under right no. 35-7261A should be subtracted from the combined limits totals shown on right no. 35-8149 in order to prevent the enlargement of parent right no. 35-7261.

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.