

MEMORANDUM

Date: April 29, 2014
To: Transfer 79217
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and change the place of use for a portion of water rights 35-2348 and 35-7929. The applicant (Idaho Water Company) seeks to transfer a combined total of 77.5 acres from water rights 35-2348 and 35-7929 to be used within a 320.0 acre permissible place of use. In addition the season of use was updated to the standard irrigation season as requested in the application.

This is one of four transfer applications that Idaho Water Company filed simultaneously for the purpose of providing mitigation through offsetting ESPA reach impacts. In combination, a combined total of 190.0 acres of water rights 35-2348 and 35-7929 is being changed through:

Transfer 79213 for 16.0 acres (City of Ammon)
Transfer 79215 for 71.5 acres (City of Chubbuck)
Transfer 79217 for 77.5 acres (County Line Farm)
Transfer 79218 for 25.0 acres (City of Blackfoot)

Water rights 35-14046, 35-14052 and 35-14280 were added to this transfer as associated water rights. Conditions of approval for these associated water rights will be updated.

Authority to File:

Farms LLC (Brad Hall) is the current owner of water rights 35-2348 and 35-7929 per IDWR record and owner of the property at the current point of diversion and current place of use per Bingham County parcel finder. Idaho Water Company has entered into a purchase agreement with Farms LLC. The purchase agreement authorizes the applicant to file the transfer. County Line Farm (Monte Funk) is the current owner of the property at the proposed point of diversion and proposed place of use per Power County taxlot data. The applicant provided a document from County Line Farm who authorizes the transfer.

Water Right Validity:

Water rights 35-2348 and 35-7929 were decreed in 2002. Aerial photography and land-sat imagery from 2004 to 2010 shows that approximately 164.4 of the 190.0 acres proposed to be changed under the four transfers may not have been irrigated during that time period. There is other evidence however, that irrigation may have occurred on the 164.4 acres. At this point the department does not have clear and convincing evidence to support a finding of forfeiture.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. According to the applicants offsetting ESPA analysis, the four transfer applications provide adequate mitigation to the ESPA reaches. To help offset transient impacts to the ESPA reaches, the 16.0 acre portion of water rights 35-2348 and 35-7929 involved in transfer 79213 and the 25.0 acre portion of rights 35-2348 and 35-7929 involved in transfer 79218 is subject to a scheduled development period. For the 2014 and 2015 irrigation seasons, the 16.0 acre portion of water rights 35-2348 and 35-7929 involved in transfer 79213 will be reduced by 25 percent. For the 2014 irrigation season the 25.0 acre portion of water rights 35-2348 and 35-7929 involved in transfer 79218 will be reduced by 12 percent. In review of the applicant's analysis it appears that no additional mitigation will be required. No injuries issues identified. These transfers were advertised and there are no protests. The water master does not oppose 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