

MEMORANDUM

Date: April 29, 2014
To: Transfer 79223
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for water rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374. The applicants seek to transfer 16.4 acres to land located in the SENW and SWNE of 02S, 33E Section 12. Over the past several years the applicants have filed several transfer applications in attempt to cover land being irrigated without a water right. This transfer will bring in enough acres to cover the remaining 8.0 acres (approximate) that the applicants need in order to come into water right compliance. The applicants will be using an existing well.

Authority to File:

Merlin Smith Sr.(applicant) is the current owner of water rights per IDWR record. The applicants are the current owners of the property at the proposed point of diversion and proposed place of use. Jennifer Smith, Merlin Smith Jr, and Merlin Smith Sr. signed the application.

Water Right Validity:

Water rights were decreed in 2000. In December, 2013, Merlin Smith Sr, filed four separate transfers proposing split 4.1 acres (per transfer) from water rights 33-14928 and 33-14930 located near Howe, Idaho and move them to property he owns near Blackfoot, Idaho. These transfers resulted in water rights 33-14928 and 33-14930 being split into water rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374. The four transfers were approved in February, 2014. Irrigation has not occurred at the current place of use under water rights 35-14365, 35-14366, 35-14367, 35-14368, 35-14369, 35-14370, 35-14373 and 35-14374. According to aerial photography consistent irrigation has occurred at the original place of use described under water rights 33-14928 and 33-14930. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. ESPA analysis indicates that impacts to the Snake River reaches are less than 2.0 acre-feet per trimester. No additional mitigation is required. This transfer was advertised and there are no protests. The watermaster did not provide comments.

Enlargement of Use:

No issues identified.

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.