

MEMORANDUM

Date: April 3, 2014
To: Transfer 79145
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 79145 for water rights 29-7329 and 29-7972 proposes to change the nature of use, period of use and the place of use.

This application proposed to dry up 4.3 irrigated acres from water right 29-7972 to mitigate for evaporation losses from a proposed recreation pond. The remaining 61.1 acres under these water rights will then be re-arranged into one combined place of use. The applicant does not wish to dry up irrigated acres to mitigate the initial filling of the pond and will rent the necessary water from the water supply bank.

Authority to file:

The water rights are currently in the name of Bannock County. The proposed place of use is in the name of Bannock County and James W Hart ET AL. The application contained a letter from the Portneuf Foundation stating that they had obtained the property from the Hart Family in 2013. Once the planned community improvements have been made the property will be donated to Bannock County.

Validity of the Water Right:

Water rights 29-7329 was decreed on March 22, 2004 and water right 29-7972 was licensed on January 31, 1997. Aerial photography shows consistent irrigation. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. An ESPA analysis was not necessary as there is no change in the existing point of diversion. The application was advertised, no protests were received.

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.