

MEMORANDUM

Date: April 9, 2014
To: Transfer 79189
From: Scott Bergendorf
Re: Transfer Analysis

Applicant proposes to connect points of diversions and create a 1085.0 acre permissible place of use for water rights 31-11775, 31-12116, 31-12118, 31-12120, and the irrigation portion of 31-12148. All three existing ground water wells will be listed as authorized points of diversion on all of the rights. No new wells will be constructed. The water rights included in the transfer will be limited to the irrigation of 788.6 acres within a 1085.0 permissible place of use.

Part 1.B.4. of the transfer application was in error because it did not list the township and range for the proposed place of use. However, the township and range was clearly indicated on the map and is apparent from the township and range listed for the proposed points of diversion. The legal advertisement included the correct township and range for the place of use description. The point of diversion and place of use for the stockwater portion of water right 31-12148 will not change. Therefore, water right 31-12148 was split.

Authority to File:

The applicant is the current owner of water rights per IDWR record and owner of proposed permissible place of use per Fremont County taxlot data (updated 5/9/2013).

Water Right Validity:

Water Right 31-11775 was decreed in 2004. Water rights 31-12116, 31-12118, and 31-12148 were decreed in 2002. Water right 31-12120 was licensed in 1997. Review of aerial photography indicates regular use of the water rights. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD110. No new wells will be constructed. Points of diversion are within adjacent cells. Therefore, no ESPA analysis is required. Transfer was advertised statewide and there were no protests. All points of diversion will be interconnected so flow meters will be required for each POD to allow accurate volume measurements for water district 110. The watermaster 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.