

MEMORANDUM

Date: January 17, 2014
To: Transfer 78974
From: mholliday
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to create a permissible place of use for water right no. 29-7153 by adding a 36 acre pivot in the NESW of section 28 to the existing place of use. The proposed place of use includes three fields located in the south half of section 28. The applicant intends to regularly irrigate two of the three fields each year. The field not irrigated would change every three to five years. No other changes are proposed.

Authority to File:

Department records show the applicant as the current owner of the right. Ownership was recently confirmed upon review and approval of transfer 78435. The quarter-quarter being added to the place of use is owned by KAP Properties. Both the applicant and KAP Properties consent to the change.

Water Right Validity:

This right was decreed in the SRBA in 2004, and transfer 78435 was approved in April 2013. Review of post-decree aerial photography indicates regular irrigation of the decreed place of use since the time the partial decree was filed. Therefore, forfeiture is not an issue.

Injury to Other Water Rights:

Other rights will not be injured by the change. Neither points of diversion, nor diversion rate, nor volume will change as a result of the transfer.

Enlargement of Use:

This transfer will not result in enlargement of use. Although the place of use will increase by 36 acres, the number of acres authorized to be irrigated in any given season will not increase. The right will be limited to the irrigation of 311 acres within a permissible place of use. Water right 29-7153 is combined with water from Marsh Center Irrigating Company. A companion transfer will be filed by the company to change its digital boundary to include the NESW of section 28, so that company shares can be used there.

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.