

MEMORANDUM

Date: November 25, 2013
To: Transfer 78939
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This exchange proposes to move the POD for 23-9B from Kelly Creek to the Snake River. The applicant proposes to divert water right 23-9B from the Snake River upstream of the point where Kelly Creek flows into the river. In exchange, the applicant will not divert this water right from Kelly Creek and will allow the water to flow into the Snake River. The proposed POD site is roughly 0.7 miles upstream of Kelly Creek's confluence with the Snake River.

Authority to File:

The applicant has the authority to file. The applicant is the current owner of record on the right. According to Bonneville County Taxlot data, updated 9/6/2013, the proposed POU is owned by the Maughan Revocable Trust of 2007, which has the same mailing address as the applicant, Rex Maughan. The POD is an existing pump in the Snake River which is used to divert Rex Maughan's Palisades Water Users shares.

Water Right Validity:

The water right was decreed in 2005 and review of post-decree aerial photography indicates consistent irrigation of the place of use. There are no apparent forfeiture issues.

Injury to Other Water Rights:

No injury to other water rights is expected. The exchange was advertised and no protests were filed. Additionally, the Water Master for Water District 01 was notified and had no comments. Water right 23-8 (in the name of Blakely) is the only other irrigation right in Kelly Creek. It authorizes the diversion of 0.42 cfs and shares the same priority date and original POD with 23-9B. The flow of Kelly Creek has not been measured.

Enlargement of Use:

The proposed exchange will not result in an enlargement of use. The exchange will not allow any more water to be diverted than is available at the original diversion point, and no increase in irrigated acres is proposed.

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.