

MEMORANDUM

Date: January 6, 2014
To: Transfer 78936
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and change the place of use for a portion of water rights 35-7192A and 35-9069. The applicant (Idaho Water Company) seeks to transfer a combined total of 2.0 acres from water rights 35-7192A and 35-9069 to be used within a 160.0 acre permissible place of use.

This is one of five transfer applications that Idaho Water Company has filed simultaneously. The five transfer applications were filed simultaneously for the purpose of providing mitigation through offsetting ESPA reach impacts. In combination, a combined total of 67.3 acres of water rights 35-7192A and 35-9069 is being changed through:

Transfer 78934 for 30.3 acres (City of Ammon)
Transfer 78935 for 23.0 acres (City of Chubbuck)
Transfer 78936 for 2.0 acres (Flying A)
Transfer 78937 for 8.0 acres (Wickel)
Transfer 78938 for 4.0 acres (Jefferson Lake)

Authority to File:

Foster Land and Cattle is the current owner of water rights 35-7192A and 35-9069 per IDWR record and owner of the property at the current point of diversion and current place of use per Jefferson County parcel finder. The applicant has entered into a purchase agreement with Foster Land and Cattle. The purchase agreement authorizes the applicant to file the transfer. Flying A Ranch (Clen Atchley) is the current owner of the property at the proposed point of diversion and proposed place of use per Fremont County parcel finder. The applicant provided a document from Flying A Ranch who authorizes the transfer.

Water Right Validity:

Water rights 35-7192A and 35-9069 were decreed in 2002. In 2007 Foster Land and Cattle filed an application for extension of time to avoid forfeiture. The extension of time application was approved granting an additional five years to put a portion of water rights 35-7192A and 35-9069 to beneficial use. In 2011, Foster Land and Cattle resumed water use. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA. The proposed point of diversion and proposed place of use is not within a water district. According to the applicants offsetting ESPA analysis, the five transfer applications provide adequate mitigation to the ESPA reaches. To help offset transient impacts to the ESPA reaches, the 4.0 acre portion of water rights 35-7192A and 35-9069 involved in transfer 78938 is subject to a schedule development period. For the 2014 irrigation season, the 4.0 acre portion of water rights 35-7192A and 35-9069 will be reduced by 25 percent. In review of the applicant's analysis it appears that no additional mitigation is required. No injuries issues identified. These transfers were advertised and there are no protests.

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