

MEMORANDUM

Date: December 4, 2013

To: Transfer 78896

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 78896 for water rights 35-2128, 35-7228, 35-7229, 35-14001 and 35-14003 proposes to add points of diversion, combine the place of use and create a permissible place of use for all of the rights.

Authority to file:

All of the water rights are currently in the name of PEP LLC. The current place of use is in the name of PEP LLC. The application was signed by Chris Pratt a representative of PEP LLC, who has signature authority for the company. All of the water rights list Zion's First National Bank as a security interest. No water was moved off of any lands that are currently irrigated, only combined with the other rights to create one permissible place of use. No change will occur that may cause a decrease in the value of the land, therefore a release was not obtained from the security interest.

Validity of the Water Right:

Water rights 35-2128, 35-7228, 35-7229 and 35-14003 were decreed on February 15, 2002. Water right 35-14001 was licensed on August 30, 1996. 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 conducted and submitted with the application. The analysis was set up correctly and showed that no mitigation is required. The application was advertised, no protests were received. The water master for WD120 was notified of the transfer and did not oppose the transfer.

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.