

MEMORANDUM

Date: December 5, 2013
To: Transfer 78364
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for the portion of water right 21-7406 that is owned by Glen and Emma Atchley. Currently the applicants share a single point of diversion with their neighbor (Russell Baum) and propose to install a pump approximately a half mile downstream on the Fall River. When the applicants initially filed this transfer application they proposed to change the point of diversion to the Marysville Canal heading upstream on the Fall River and divert water down the canal to a pumping station where the water would then be pumped through a pipeline across the Fall River and across the Baum's property to their current place of use. This application was protested by the Baum's and since then the applicants have amended their application proposing to change the point of diversion to a pump station downstream on the Fall River.

It is important to note that water right 21-7406 has recently been modified as a result of an error that was found in the field examiners license exam for the water right 21-7406. 28.0 irrigated acres located in the N1/2 of 09N, 43E, Section 36 was missed by the examiner and was not included on the water right license. On December 3rd, 2013 the department issued a preliminary order correcting water right license no. 21-7406. The additional 28.0 acres is located on property owned by Russell Baum. Since the applicants do not own the 28.0 acres located in the N1/2 of 09N, 43E, Section 36, the water right had to be split through this transfer. The history leading to the approval of this transfer can be found in the water right back file located under water right 21-7406.

Authority to File:

The applicants are the current owner of the 176.0 acre portion of water right 21-7406 per IDWR record. The 176.0 acres is located in the N1/2 of 08N, 43E, Section 1. The applicants do not own the property at the proposed point of diversion. However, the applicants provided a court order document allowing access at the location of the proposed point of diversion.

Water Right Validity:

This water right was licensed in 1997. Aerial photography shows land has been continuously irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

This water right is located within WD 01. Proposed point of diversion is approximately a half mile downstream from the original point of diversion. No other points of diversion exist between the current and proposed point of diversion. This transfer was advertised and was protested. The protests have been withdrawn. The water master does not oppose transfer. No injury issues identified.

Enlargement of Use:

No issues identified.

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.