

MEMORANDUM

Date: November 15, 2013
To: Transfer 78849
From: mholliday
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to split right no. 29-2462A by ownership change, and to move the split portion, along with right nos. 29-13240 and 29-13241, to a new pump on the Portneuf River, located about 50 feet north of the current point of diversion. The transfer would also change the place of use of right no. 29-13241 by moving 3.2 acres from the SENW to the NENW of section 21, T7S R35E. The place of use for right nos. 29-13240 and 29-2462A will not change. All three rights are currently delivered from the same point of diversion. The transfer will allow each water user to operate his own pump. There are no overlapping water rights associated with the current or proposed places of use.

Authority to File:

An Idaho business entity search found that the applicants have authority to sign on behalf of the Larry Kemp Family Limited Partnership and Stone River Developers. The applicants provided a quitclaim deed demonstrating ownership of the portion of right no. 29-2462A included in this transfer. The applicants also provided a warranty deed confirming ownership of the 3.2 acres proposed to be included in the place of use for right no. 29-13241, located in the NENW of section 21, T7S R35E. While IDWR records show the applicants as the current owner of right no. 29-13241, county taxlot data showed Theobald as owner of a small part of the place of use being moved. However, the applicants provided a quitclaim deed from Theobald for the water associated with the acreage in question.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2004. The aerial photos show evidence of growing vegetation in 2006 and 2009 for right nos. 29-13240 and 29-13241. Those two rights were placed in the water supply bank in 2010 and were released from the bank in February 2012. For the place of use associated with the transferred portion of right no. 29-2462A, growing vegetation is evident in the 2006 aerial photo and to a lesser extent in the 2011 photo. While the irrigation of these lands has not been very consistent, there does not appear to have been five consecutive years of non-use, so there is no finding of forfeiture.

Injury to Other Water Rights:

There is no evidence that the proposed change will reduce the quantity of water available to other rights. The proposed transfer moves the water right to a new pump located only 50 feet downstream. There are no points of diversion located between the current pump and proposed point of diversion. Written comment was solicited from the watermaster of Water District 29-D in order to further assess the potential for injury. He did not oppose the approval of the application. The transfer was also advertised in the local

paper and no protests were filed.

Enlargement of Use:

This transfer will not result in enlargement of use. Neither diversion rate nor acreage will increase as a result of the transfer. There is no evidence that the water supply will be enhanced as a result of the short downstream move in point of diversion.

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.