

MEMORANDUM

Date: October 22, 2013

To: Transfer 78870

From: Scott Bergendorf

Re: Comment/Analysis

This transfer proposes to consolidate and rearrange the place of use for water rights 13-62 and 13-7792 to reflect current irrigation practices. These rights were withheld in a sale of property and are now being moved to applicant's land.

Originally, property was covered by water rights 13-62, 13-216 and 13-217 (all in the name of Donald and Nona Golightly). These rights in combination authorized the diversion of 400 af and the irrigation of 114 acres. (Worm Creek Decree)

Eldon Golightly acquired the property under the name E & M Trust. He recently sold 80 acres to Wheatley Properties. Within the deed of sale, E & M Trust withheld water right 13-62 and half of 13-216. Water right 13-217, for diversion from unnamed streams, is considered a dead right. The channels which used to convey water for the unnamed streams have been filled in and farmed over a long time ago. It is very unlikely that right 13-217 can ever be used in the future.

Water right 13-216 was split into two pieces. Water right 13-7792 authorizes the diversion of 182 acre-feet and the irrigation of 57 acres. Right 13-7793 authorizes the diversion of 182 acre-feet and the irrigation of 57 acres. The portions retained by E & M Trust (13-62 and 13-7792) in combination cannot exceed the diversion of 218 acre-feet or the irrigation of 57 acres.

This transfer was originally filed in March 2010 under Transfer No. 76349. The application went through a number of iterations before it could be approved. In December 2012, the Department changed its transfer processing program. This transfer was amended and re-entered under the current transfer number. As part of the transfer application, the applicant would like to update the ownership of right 13-62 to be in the name of E & M Trust. Because the application has been pending since 2010 (a time when ownership changes could be completed within the transfer process without additional filing fees), the ownership will be changed without charging an additional fee.

Authority to File:

The applicants are the current owners of the water rights per IDWR records and owners of the proposed place of use by Franklin County tax lot information verified in Oct. 2013.

Water Right Validity:

Water rights were decreed in 1981. 2011 aerial photography shows the land being irrigated. Forfeiture is not an issue.

Injury to other water rights:

Water Master does not oppose transfer. There will be no change in this surface water POD. This transfer will be processed with no advertisement.

Enlargement of Use:

No issues identified.

Local Public Interest / Conservation of Water Resources:

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.