

MEMORANDUM

Date: November 14, 2013

To: Transfer 78738

From: Blake Jordan

Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for water rights 32-13204, 32-7091B, 32-7054B, 32-7091A and 32-7054A. The applicants seek to move 24.0 acres from water right 32-13204 and combine it with water rights 32-4001D and 32-7034D to create a 133.8 combined place of use. This transfer was filed in response to a pending notice of violation. The applicants obtained the 24.0 acres by re-nozzeling and removing endguns from four pivots under water rights 32-13204, 32-7091B, 32-7054B, 32-7091A and 32-7054A. The legal description for the point of diversion described under water rights 32-4001D and 32-7034D is in error. This transfer will fix the legal description error. The applicants will be using an existing well.

Water rights 32-13204, 32-7091B, 32-7054B, 32-7091A and 32-7054A overlap the same 510.4 acre place of use. Since this transfer proposes to change 24.0 acres only under water right 32-13204, water rights 32-7091B, 32-7054B, 32-7091A and 32-7054A are added to the transfer as associated water rights. The place of use under these water rights will be reduced by 24.0 acres to 486.4 acres. Condition of approval for the associated water rights will be updated.

Authority to File:

The applicants are the current owner of water rights per IDWR record and owner of proposed place of use per warranty deed. Rabo Agrifinance holds a security interest to water right 32-13204. Per phone conversation with Rabo Agrifinance, they do not oppose the proposed transfer application. On October 28th, 2013 the department received a notice of security interest to water right 32-13334 (split from right 32-13204) from Rabo Agrifinance.

Water Right Validity:

Licensed and decreed water rights. Aerial photography from 2009 and 2011 shows land to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 110. Points of diversion are within adjacent cells. No ESPA analysis is required. This transfer was advertised and there are no protests. The watermaster does not oppose the transfer.

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.