

MEMORANDUM

Date: October 1, 2013
To: Transfer 78556
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 78556 proposes to change the place of use and point of diversion for a 90-acre split portion of water right 34-7118B. Water rights 34-7186A and 34-7186B partially overlap right 34-7118B, but do not overlap the 90-acre split portion being changed in this transfer. The proposed POD will be a new ground water well.

A companion transfer (78558) was filed to rearrange the remaining 440-acre portion of right 34-7118B and to create a 440-acre combined place of use for water rights 34-7118B, 34-7186A, and 34-7186B. 34-7186A and 34-7186B were listed on this transfer application by mistake. Perhaps they were included to update combined limits. The conditions for these two rights will be updated as part of Transfer No. 78558.

Water right 34-7118B currently lists 6 authorized points of diversion. Four of these points are at the irrigated place of use for right 34-7118B (14 miles south of the proposed POD). The other two points, located in T05N R26E, Sec 32, are only six miles south of the proposed POD. The two points in Section 32 were the original PODs for the right. The points of diversion at the irrigated acres were added through transfers 69836 and 71665. Because the original points of diversion (T05N R26E) and the proposed point of diversion (T06N R26E) are all at or upstream of Moore, the impact to the flows of the Big Lost River will be minimal.

Authority to file:

Water rights 34-7118B, 34-7186A & 34-7186B are currently in the name of Gary Rogers. The current place of use and the proposed new place of use, (90 acres) is in the name of Gary Rogers. The water rights at the time the transfer application was submitted included a security interest held by Zion's First National Bank. Zion's Bank submitted documentation on May 10, 2013 releasing their interest in water rights 34-7118B, 34-7186A & 34-7186B.

Validity of the Water Right:

Water rights 34-7118B, 34-7186A & 34-7186B were decreed on February 6, 2002. Transfers 69836 and 71665 were filed after the partial decrees to add ground water points of diversion to right 34-7118B. Aerial photography does not show consistent irrigation. Forfeiture was discussed with the applicant. On August 5, 2013 the applicant submitted an affidavit stating that through the 2013 irrigation season the areas with forfeiture issues had been irrigated with the use of hand lines.

Injury to Other Water Rights:

No injury to other water rights was identified. Because there is a change in POD within the ESPA grid, an ESPA transfer analysis was conducted, no injury was identified. The application was advertised, no protests were received. The water master for WD34 was notified of the transfer and did not provide comments.

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.