

MEMORANDUM

Date: May 16, 2013

To: Transfer
78400

From: Blake Jordan

Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for water rights 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140 (Sulfur Creek water rights). This transfer also proposes to change the place of use for water rights 73-2B, 73-7A, 73-7B, 73-8B, 73-113, 73-140, 73-2164 (ground water) and 73-7000 (ground water). The applicant proposes to utilize a new point of diversion on Sulfur Creek located in the SWNWNW of 14N, 21E, Section 25. The new point of diversion is located on Sulfur Creek approximately one quarter of a mile upstream for original point(s) of diversion. The applicant also seeks to change the place of use and consolidate acres under both Sulfur Creek and ground water rights onto 598.0 acres. The point of diversion for the ground water rights will not change.

Authority to File:

The applicant is the current owner of water rights per IDWR record and owner of proposed consolidated place of use per Custer County taxlot data (updated in August 2012).

Water Right Validity:

Water rights were decreed in 2010. Aerial Photography shows 598.0 acres being irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

The Sulfur Creek water rights are within WD 73. The ground water rights are within future water district 170. The Sulfur Creek point of diversion is moving upstream approximately one quarter of a mile. There are no other water users utilizing a point of diversion located between the applicants old and new point(s) of diversion. This transfer was advertised state wide and there are no protests. The water master did not provide any comments.

Enlargement of Use:

The applicant proposes to consolidate its water rights onto lesser acres while preserving full rate of diversion authorized under each of the water rights. However, preserving the combined total of 16.33 cfs on lesser acres would result in a rate of diversion per acre ratio greater than 0.02 cfs per acre which is greater than was authorized under the water rights prior to this transfer. The applicant did not provide any documentation justifying why additional rate of diversion per acre is needed. Thus, a combined rate of diversion will be placed on these water rights limiting the combined diversion rate to 11.96 cfs (.02 cfs per acre). Since the acre limits and flow rates for each individual water right involved in this transfer is less than 11.96 cfs and 598 acres, no reduction in the water rights individual flow rates and acre limits is required. No other enlargement issues are identified.

Local Public interest:

No issues Identified.

Beneficial Use/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.