

MEMORANDUM

Date: April 17, 2013

To: Transfer
78455

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to move a portion of decreed rights 21-12953 and 21-12956 from their current points of diversion on Falls River to a different point of diversion on Henrys Fork. The Farmers Friend Canal is proposed as the new point of diversion because the applicant believes that some company shareholders will be better served by the Farmers Friend Canal than the Fall River Canal.

Authority to File:

Department records show the applicant as the current owner of both rights. The company is currently registered with the State of Idaho as a corporation in good standing. The transfer application was signed by the registered agent of the company.

Water Right Validity:

The rights included in this transfer were decreed in the SRBA in 2010. Forfeiture is not an issue.

Injury to Other Water Rights:

There is no evidence that the proposed change will reduce the quantity of water available to other water rights. The transfer application was advertised state-wide and no protests were filed. The Water District 1 Watermaster reviewed the application and indicated that he did not oppose its approval.

Enlargement of Use:

The proposed changes will not result in enlargement of use. In order to prevent enlargement, the transferred rights will contain a condition that limits diversion at the new point of diversion to times when they would otherwise be available for delivery at the original point of diversion (Fall River Canal). The number of acres authorized for irrigation under these rights will not increase. The 2012 partial decrees for associated rights 21-12954 and 21-12955 contained combined limits which included rights 21-12953 and 21-12956. Those combined limits and the corrected large POU total acres from the 2012 partial decrees have been incorporated into the transferred rights and all associated rights in order to prevent enlargement. Also, the combined diversion rate for rights 21-12953 and 21-12956 was reduced by the quantity transferred to the Farmers Friend Canal. Neither diversion rate nor irrigated acreage will increase as a result of the transfer.

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.