

MEMORANDUM

Date: February 20, 2013

To: Transfer
78393

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 78393 proposes to change the place of use for water rights 13-7869 & 13-7871. The transfer moves the place of use for the water rights entirely onto property owned by the water right owner. Water rights 13-7869 (90 acres) and 13-7871 (20 acres) will be combined into a 110 acre place of use.

Authority to file:

Water right 13-7869 & 13-7871 are currently in the name of Robert & Diane Boman. The proposed place of use is in the name of Robert & Diane Boman.

Validity of the Water Right:

Water rights 13-7869 & 13-7871 are split portions of water rights included in the 1920 Bear River Decree. Water right 13-7869 is a split from right 13-752. Right 13-7871 is a split from right 13-753. Aerial photography shows recent irrigation. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was not advertised. The watermaster for WD13Q, Lynn Rasmussen, was notified of the transfer. He opposed this transfer because of a concern that the transfer would result in an expansion of the original water rights. According to Mr. Rasmussen, the Boman property has historically only been delivered 1.6 cfs under right 13-752.

Water right 13-752, as described in the 1920 Decree, carried a priority date of May 1, 1884 and authorized the diversion of 3.2 cfs. On November 28, 2012 a change of ownership was completed for right 13-752, splitting the right into 13-7868 for 1.4 cfs & 13-7869 (Boman) for 1.8 cfs. The water right split was based on language contained in the historical deeds. The ownership change was reviewed for accuracy and no discrepancy could be found. Because the split portions of right 13-752 do not exceed the original amount authorized under right 13-752, enlargement is not an issue.

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.