

MEMORANDUM

Date: January 8, 2013

To: Transfer
78317

From: Kerrie Mathews

Re: Transfer Evaluation

Transfer No. 78317 for water right 35-13986 proposes to split 0.10 cfs / 5 acres / 20 acre-feet from the right. This portion will be moved to a new place of use with a new point of diversion. In addition, the nature of use will be changed from irrigation to industrial. Due to technical difficulties with the transfer application processing software, it was necessary to pre-split the water right and then process the changes to the split portion (35-14326) in this transfer application. The remaining portion of 35-13986 was added to the transfer as an associated right to update the conditions.

Because the nature of use is changing, the proposed industrial use will be limited to the historic consumptive use under the split portion of the right. Using evapotranspiration data from the ET Idaho Blackfoot station, alfalfa with less frequent cutting, would consume 830 mm per year or 2.72 acre-feet per acre. Because 5 acres are being converted to the new industrial use, water right 35-14326 will be limited to an annual diversion volume of 13.6 acre feet.

Authority to file:

Water right 35-13986 is currently in the name of Goodwin Excavating and Pocatello Ready Mix. The current place of use is also owned by Goodwin Excavating and Pocatello Ready Mix. The split portion will be moved to property purchased by both applicants. The applicants provided warranty deeds establishing ownership of the new place of use.

Validity of the Water Right:

Water right 35-13986 was decreed on February 22, 2002. Aerial photography shows consistent irrigation of the split portion. Forfeiture does not appear to be an issue. Right 35-13986 states that Danskin and Trego canal shares may be used on the irrigated acres. However, diversion records collected by WD120 (WMIS data) shows that this right has been used as a primary right and any surface water shares, if they still exist on the property, have been supplemental.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised, no protests were received. The water master for WD120 was notified of the transfer and did not oppose the transfer. The POD change is located within the ESPA. An ESPA analysis was conducted, no mitigation is required for this transfer.

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.

Part 2B of the transfer application was filled out incorrectly. It lists the acres for the remaining portion of the right rather than the split acres. JRC