

MEMORANDUM

Date: November 21, 2012
To: Transfer 78213
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion and place of use for water right 35-14209. This transfer also proposes to change the place of use for water rights 35-7968A and 35-8660A. The applicants are seeking to cover land being irrigated without a water right by transferring all of water right 35-14209 (35.8 acres) and combining it with water rights 35-7968A and 35-8660A into a 360.3 acre place of use. These water rights will be combined into one irrigation system with one point of diversion. The point of diversion is located in the SWSWSE of 06S, 29E, Section 1.

Currently water right 35-14209 is combined with five other water rights creating a 296.0 acre combined place of use. This transfer will remove water right 35-14209 from the 296.0 acre place of use and combine it with water rights 35-7968A and 35-8660A to create a 360.3 acre place of use. The number of acres authorized under water right 35-14209 (35.8 acres) will be exactly enough to cover the additional land being irrigated without a water right.

Water right 35-14209 has two combined limitations:

Rights 35-14207 and 35-14209 when combined shall not exceed a total diversion rate of 0.67 cfs. Rights 35-14199, 35-14201, 35-14203, 35-14205, 35-14207 and 35-14209 when combined shall not exceed 3.88 cfs, a total combined annual volume of 1184 acre-feet and the irrigation of 296.0 acres.

Water rights 35-14199, 35-14201, 35-14203, 35-14205 and 35-14207 were added to this transfer as associated water rights. The place of use and water use limits for these associated water rights will be updated.

The rate of diversion proposed to be transferred under water right 35-14209 is 0.35 cfs. This rate of diversion is derived from the combined limitation (0.67 cfs) under water rights 35-14207 and 35-14209. The rate of diversion for water right 35-14207 will be reduced to 0.32 cfs. Water rights 35-14207 and 35-14209 will no longer need the combined rate of diversion condition.

It is important to note that the combined rate of diversion limitation for rights 35-14199, 35-14201, 35-14203, 35-14205, 35-14207 and 35-14209 is in error. An ownership change that was accomplished in 2011 incorrectly limited water rights 35-14199, 35-14201, 35-14203, 35-14205, 35-14207 and 35-14209 to 3.88 cfs. The correct limitation is 3.87 cfs. The approval of this transfer will limit rights 35-14199, 35-14201, 35-14203, 35-14205 and 35-14207 to 3.52 cfs.

Authority to File:

The applicants are the current owners of water rights per IDWR record. The applicants are the owners of current place of use and proposed place of use per Power County property master report. Luke Marchant who is the applicants attorney signed the application. Rabo Agrifinance Inc. has a security interest on all of the water rights on the larger contiguous farm, including the associated rights. Because water is not being moved off of the larger property, consent from Rabo Agrifinance is not required. Rabo will be notified of the completed transfer.

M E M O R A N D U M

Validity:

Water rights 35-8660A and 35-14209 are licensed water rights (Licensed in 1995). Water right 35-7968A was decreed in 2002. The water rights involved in this transfer combined authorize the total irrigation of 620.5 acres. These water rights are used in separate irrigation systems within a contiguous farm. Forfeiture was analyzed based on the number of acres being irrigated within the contiguous farm. Aerial photography from 2009 through 2011 shows approximately 620.5 acres being irrigated under the irrigation systems that are associated with the water rights involved in this transfer. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. An ESPA analysis was provided and no additional mitigation is required. This transfer was advertised and there were no protests. Watermaster does not oppose the transfer.

Enlargement of Use:

No enlargement issues identified.

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 the criteria set forth in Section 42-222, Idaho Code.