

MEMORANDUM

Date: November 7, 2012
To: Transfer 77997
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use for water rights 22-2242B and 22-10897. This transfer also proposes to change the season of use for water right 22-2242B. The season of use will be changed from 04/01-11/01 to 04/01-10/31. Lee Sutton (applicant) is seeking to change the place of use to cover land being irrigated without a water right. This transfer will create an 824.0 acre permissible place of use. Water rights 22-2242B and 22-10897 when combined will authorize the irrigation of 778.0 acres within the 824.0 acre permissible place of use. The applicant provided a map and shape file that designates the 778.0 acres proposed to be irrigated within the 824.0 acre permissible place of use. Point of diversion will remain the same.

The combined volume limit associated with water rights 22-2242B and 22-10897 is in error. The combined rate of diversion capacity for these rights (6.16 cfs) can only produce 2614.7 acre-feet during the designated season of use. The volume limitation for these rights will be reduced to 2614.7 acre-feet.

Only 133.4 acres or 1.06 cfs are being changed through this transfer application. Therefore, the filing fee was calculated to be \$580.00.

Authority to File:

The applicant is the current owner of water rights per IDWR record. The land currently covered by the water rights involved in this transfer are owned by the applicant and owned by a number of different individuals where the applicant leases the land. These water rights were claimed by Lee Sutton in the SRBA and decreed into his name. Even though some of the lands under these water rights are owned by different individuals, these water rights were developed by the applicant and his family. The proposed place of use will be appurtenant to lands owned by the applicant and lands owned by different individuals. The applicant has provided agreement letters from these different land owners authorizing him to use these water rights on their property.

The applicant has land that is subject to a Bank of Commerce mortgage. The Bank of Commerce provided a letter consenting to the changes made by this transfer. Rob Harris who is the applicants attorney signed the application.

Validity:

Decreed in 2008. Forfeiture is not an issue.

Injury to Other Water Rights:

These ground water rights are within the ESPA model boundary, but are not in a water district. Not regulated by a watermaster. This transfer was advertised and there were no protests. No injury issues identified. No enlargement issues identified

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue 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 application.