

MEMORANDUM

Date: August 27, 2012
To: Transfer 78044
From: kmathews
Re: Transfer Evaluation

Transfer No. 78044 for water rights 34-14259, 34-14263 and 34-14261 proposes to change the point of diversion, place of use, nature of use and period of use. Water right 34-14259 will incorporate a recreational/aesthetic pond with an annual period of use.

These water rights are undeliverable through the current ditch system, due to shrinkage loss (confirmed by the watermaster for WD 34). The applicant proposes to move the point of diversion downstream to the confluence of Spring Creek, inject Big Lost water into Spring Creek and re-divert Big Lost water from Spring Creek, closer to the place of use.

Authority to file:

Water rights 34-14259, 34-14263 and 34-14261 are currently in the name of Ron and/or Janiece Bair. The proposed place of use for these water rights is owned by Ron and/or Janiece Bair. There is no lien-holder on these water rights.

Validity of the Water Right:

Water right no. 34-14259, 34-14263 and 34-14261 was decreed on December 24, 2001. Aerial photography does not show consistent irrigation. Roger Totten the watermaster for WD 34 was contacted to determine if the applicant was able to receive water. Based on Mr. Tottens comments these water rights would not have made it to the place of use due to conveyance losses. Mr. Totten felt that the applicant should transfer the water to a new delivery system. It appears that the water rights were not deliverable, therefore forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised, no protests to the transfer were received. The watermaster for water district 34 was notified of the transfer, and does not oppose the 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.