

MEMORANDUM

Date: August 29, 2012
To: Transfer 78017
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion and change the place of use for a portion of water right 35-14249. This transfer also proposes to change the point of diversion for water rights 35-14046 and 35-14052. The applicant has a water right transfer agreement with County Line Farms. This agreement allows for a portion of water right 35-14249 to be transferred onto County Line Farms property located in Section 12 of 06S, 29E. The applicant is seeking to move 77.5 acres of water right 35-14249 into an existing 320 acre permissible place of use located on County Line Farms property. The existing 320.0 acre permissible place of use is currently described under water rights 35-14046 and 35-14052. This existing 320 acre permissible place of use was created from transfer 76805 (approved in December, 2010).

Transfer 76805 proposed to change the point of diversion and place of use for a combined 105.0 acres under water rights 35-14046 and 35-14052 to property owned by County Line Farms. The applicant proposed to drill a new well located in the SWNW of 06S, 29E, Section 12. The new well was actually drilled in the SENW of 06S, 29E, Section 12. Thus, this transfer will also change the point of diversion for water rights 35-14046 and 35-14052. The permissible place of use for rights 35-14046 and 35-14052 will remain the same. Combined use limits under rights 35-14046 and 35-14052 will be updated to include 77.5 acres under water right 35-14249.

The transfer application lists 35-14162 as the current active water right, which is incorrect. According to department records, 35-14249 is the current active water right.

This is one of four transfers filed simultaneously that propose to move portions of water right 35-14249 to new locations. These transfers also provide mitigation through off-setting ESPA impacts. To process these four transfers simultaneously, water right 35-14249 was pre-split into four separate water rights and assigned to the following transfers:

35-14279 assigned to transfer 78016
35-14280 assigned to transfer 78017
35-14281 assigned to transfer 78018
35-14282 assigned to transfer 78019

These four transfers completely use up and eliminate water right 35-14249.

Water right 35-14249 in its entirety is leased to the Idaho Water Supply Bank.

Authority to File:

The applicant is the current owner of water rights 35-14249, 35-14046 and 35-14052 per IDWR record. The applicant has a water right transfer agreement for a portion of water right 35-14249 with County Line Farms. Since the applicant is still the current owner of water rights 35-14046 and 35-14052 and the applicant is correcting the point of diversion for water rights 35-14046 and 35-14052, the department will allow the change to occur. Monte Funk owns the property under the proposed point of diversion and proposed permissible place of use. Monte Funk is an owner of County Line Farms.

Once the transfer is approved, County Line Farms is supposed to file an ownership change for water right 35-14280 (split portion of water right 35-14249). This same process for water rights 35-14046 and 35-14052 was to occur once transfer 76805 was approved. This has not yet happened.

Validity:

Decreed in 2002. Water right 35-14249 is currently leased to the Idaho Water Supply Bank. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. The applicant's off-setting ESPA model approach appears to be within IDWR standards. According to the applicant's analyses, these transfers provide adequate mitigation to offset impacts to the ESPA reaches. IDWR concurs with applicants analyses. No injury issues identified.

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.