

MEMORANDUM

Date: August 14, 2012
To: Transfer 78039
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use for water right 35-7973. The applicant is seeking to rearrange the place of use to cover land that is being irrigated without a water right. The proposed place of use will cover two full pivots located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$ of 07S, 28E, Section 1 and the majority of the pivot in the NW $\frac{1}{4}$ of 07S, 28E, Section 12. The total irrigation authorized under water right 35-7973 is 316.0 acres. The point of diversion will remain the same.

Authority to File:

The applicant is the current owner of the water right per IDWR record and owner of proposed place of use per Bingham County taxlot data. The applicant has a mortgage loan with US Bank for the property involved in this transfer. US Bank gives their consent to approve transfer.

Validity:

Water right was decreed in 2002. The applicant is rearranging the place of use under water right 35-7973 by taking the portion of the water right covering dry pivot corners and moving them to cover the majority of a pivot in the NW $\frac{1}{4}$ of 07S, 28E, Section 12. According to aerial photography, these pivot corners appear to have been dry for more than five years. However, beginning in 2011 the applicant irrigated the pivot located in the NW $\frac{1}{4}$ of 07S, 28E, Section 12 using the same irrigation system described under water right 35-7973. The total number of acres that are being irrigated from the same irrigation system as water right 35-7973 exceeds the 316.0 acres that is authorized. At this time forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. POD is not changing. No ESPA analysis required. This transfer was advertised and there were no protests. Watermaster does not oppose transfer. No injury issues identified.

Enlargement of Use:

The total number of acres being irrigated under the same irrigation system as water right 35-7973 exceeds the 316.0 acres that are authorized. The additional acres that are being irrigated without a water right are currently being covered by water rights rented from the WSB. 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.