

MEMORANDUM

Date: June 05, 2012
To: Transfer 77951
From: mholliday
Re: transfer approval

This transfer proposes to take two independent irrigation systems and tie them together via a new main line to form one interconnected system. Right 17-7029 currently irrigates 227 acres from a well, and right 17-7030 irrigates 358 acres out of a different well. The proposed change adds a point of diversion to both rights and creates a 585 acre permissible place of use for the two rights.

Authority to File:

Applicant is the current owner of record for both rights. The land currently irrigated by right 17-7029 is subject to a mortgage. However, the proposed change will not adversely impact the value of the land because all the land currently irrigated under the right will continue to be covered after the transfer. Therefore, a statement from the mortgage holder is not required.

Water Right Validity:

Both of the rights sought to be transferred are based on licenses. The license for 17-7029 was issued in 1995 and license 17-7030 was issued in 2000. Review of the 2004, 2006, 2009, and 2011 aerial photography shows evidence of irrigation for the acreage covered by right 17-7029. Review of the same imagery showed no evidence of irrigation for the place of use covered by right 17-7030. However, the applicant provided evidence of participation in a federal CRP program from 1997 through 2007, which qualifies as a legitimate defense to forfeiture of the right.

Injury to Other Water Rights:

It does not appear that the proposed change would reduce the amount of water available to other water rights. The two points of diversion are existing wells. The well closest to these points of diversion is located more than two miles away. The application will be advertised to determine any protests.

Enlargement of Use:

The proposed change will not result in enlargement of use. There is no change in the total number of irrigated acres between the two rights. The total diversion rate and volume per acre will remain unchanged.

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 application.