

MEMORANDUM

Date: July 06, 2012
To: Transfer 77706
From: dkidman
Re: Transfer Analysis

This transfer proposes to rearrange the POUs for water rights 74-32, 74-34, 74-7165, 74-15926, 74-15927, 74-15928, 74-15929, 74-15930 and 74-15931 and to create a combined place of use for the rights. For water rights 74-7165 and 74-15928, the transfer will change the nature of use for a portion of the rights from irrigation to a new dam/pond. Water right 74-912 has been listed on the transfer approval as an associated right to update combined use conditions.

Right 74-7165 will be reduced by 6 acres and 74-15928 will be reduced by 39 acres to cover the pond. 7.5 acres are being dried up to offset evaporative losses from the pond. 37.5 acres are being dried up to offset the annual fill of the pond. See the Precipitation Deficit Calculation for Pond form for more detailed explanation of the evaporation and fill requirements. The total acres being dried up for the dam/pond will total 45 acres.

While updating the combined use limits for all the rights, it became apparent that the applicant was irrigating more land than the total acre limits. By reviewing documents from each right the applicant owns, it was determined that the SENE of T15N R26E Sec 15 was not claimed in the SRBA. At the time of filing claims in the SRBA, the applicant did not own land in the SENE and later purchased that land but didn't realize that the acres had never been claimed. After rearranging acres to get all the irrigated land covered by water rights, 31.5 acres have been dried up elsewhere and transferred to the SENE. For this reason, the transfer application and the transfer approval are different.

Authority to File:

Kurt and Janet Bird are the recorded owners of the water rights involved in this transfer and the proposed POU. Tax lot information provided from Lemhi County shows them as owning the property. Permission to file the transfer was given to Kurt and Janet Bird by the lien holder, Zions Bank.

Water Right Validity:

All rights involved in the proposed transfer have been recently decreed in the SRBA with dates of 7-9-2007 and 4-16-2008. After reviewing the 2006, 2009 and 2011 aerial photography, forfeiture is not an issue.

Injury to Other Water Rights:

There will be no changes in the PODs for these decreed rights so there should not be any injury to other water rights.

The Watermaster for Water District 74W does not oppose transfer.

Enlargement of Use:

Rights 74-7165 and 74-15928 combined limits have been changed to reflect the acres dried up for the pond. Combined limits for the other water rights have been carried forward to prevent enlargement of use. No issue identified.

M E M O R A N D U M

Local Public Interest:

No issue identified.

Beneficial Use/Conservation of Water Resources:

No issue identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

The application has been advertised in the Recorder Harold and no protests were filed.