MEMORANDUM

Date: July 03, 2012

To: Transfer 77576

From: kmathews

Re: Transfer Evaluation

Transfer No. 77576 for water rights 31-10534, 31-11452, 31-11449 and 31-7277 proposes to split 31-10534 and 31-11452 and change the POD and the POU for 31-11449, 31-7277, and Knights portion of 31-10534 and 31-11452. Knight and his neighbor, Lyle Shupe, signed an agreement exchanging certain lands, but retaining water rights. Each was to transfer his water rights to the newly acquired exchange land. In order to facilitate this agreement, water rights 31-10534 and 31-11452 will be split. The applicant will retain 60 acres of these rights, moving them to a new POD and combining the place of use with 31-11449 and 31-7277. The Shupe / Knight Agreement was provided with the transfer application.

Water rights 31-10534(split 31-12306) and 31-11452(split 31-12308), had combined use limitations with 31-2291A and 31-11424. Water right 31-2291A and 31-11424 were added to this transfer as associated rights in order to update the limiting conditions, no other changes occurred.

The left behind portions of 31-10534 and 31-11452 (20 acres) were not changed. However, the conditions on these portions were updated to reflect adjusted limitations. A separate transfer will be filed by Lyle Shupe, moving his water right to his property and combining the right with his 20 acre portion of 31-10534 and 31-11452.

It should be noted that the left behind portion of 31-10534 and 31-11452 have PODs listed incorrectly. The existing rights show PODs located at T07N, R36E, Sec 29 NWNWSE, two PODs in Sec 20 SESE and Sec 28 NWNENW. Existing spatial data and aerial imagery clearly shows these PODs should be listed as T07N, R36E, Sec 21 NWSWSE, two PODs in Sec 21 SWSW and Sec 28 NWNENW. These errors were not corrected in this transfer, and will be addressed in the Shupe transfer.

Authority to file:
All water rights are currently in the name of Arlin D or Coralle M Knight. The proposed place of use is owned by Arlin and Coralle Knight.

Validity of the Water Right:
Water rights 31-10534 and 31-11452 were decreed in 2003, and water rights 31-7277 and 31-11449 were decreed in 2002. Aerial photography shows consistent irrigation. Forfeiture in not an issue.

Injury to Other Water Rights:
No injury to other water rights was found. An ESPA analysis was not completed because the change in POD is within adjacent model cells. The application was advertised, no protests were filed. The Watermaster for WD110 was contacted, no comments were received.

Enlargement of Use:
No enlargement concern was found.

Local Public Interest:
No issues identified.

Beneficial Use / Conservation of Water Resources:
This transfer attempts to conserve water, by implementing a more efficient irrigation practice.

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.