

MEMORANDUM

Date: June 18, 2012
To: Transfer 77928
From: kmathews
Re: Transfer Evaluation

Transfer No. 77928 for water rights 34-13761, 34-42A, 34-452A, 34-2300, 34-7194 and 34-14342 proposes to combine the place of use for all of the rights. A point of diversion will be added to surface water rights 34-42A, 34-452A and 34-2300. The point of diversion for 34-14342 and 34-13761 will change, and the period and nature of use on a small portion of 34-13761 will incorporate the use of a recreational/fish pond. To mitigate for the pond, one acre of irrigation will be dried up.

The application was submitted and advertised with two acres of irrigation being dried up. During the final review of the application it was found that the applicant only needed to dry up one acre. Since this is not a reduction to the applicant of either the diversion rate or the acres available for irrigation, the application was not amended and re-advertising was not needed. The fee charged for this transfer was based on the acres actually moved, not on the total amount authorized under these rights.

On June 27, 2002 the Department completed an ownership change on water right 34-2299. Water right 34-10641 was not included in this change. These water rights had the same place of use and the warranty deed transferring property was silent on the water. 34-40641 should have been included in the original ownership change. This transfer will also correct the combined limits to be consistent with the decree and the 2012 order correcting the ownership change.

Authority to file:

Water rights 34-13761, 34-42A, 34-452A, 34-2300, 34-7194 and 34-14342 are currently in the name of Darla or Melvin Marx Hintze. The proposed place of use for these water rights is owned by the same individuals. There is no lien-holder on the property.

Validity of the Water Right:

Water right 34-13761, 34-42A, 34-452A, 34-2300, 34-7194 and 34-14342 were decreed on December 14, 2001. Aerial photography shows consistent irrigation. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The watermaster for WD34 was notified of the transfer, and did not oppose the changes.

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 transfer application.