

MEMORANDUM

Date: June 07, 2012
To: Transfer 76956
From: bjordan
Re: Transfer Evaluation

between

This transfer proposes to change the point of diversion and place of use for water right 31-42. In 1996 Blaine Larsen (BLF Land LLC) Filed transfer 4797 proposing to change the point of diversion and place of use for water right 31-42. The intent of the transfer was to provide additional water for Ken Torgerson when one of his existing water rights was cut early in the irrigation season. Water right 31-42 provided additional water for Torgerson to irrigate his 134 acres located in 10N 36E Section 33. The agreement Blaine Larsen and Ken Torgerson stated that Larsen would allow Torgerson to use water right 31-42 on his 134 acres for a set period of time. Once that period of time expired, Larsen would be allowed to move water right 31-42 back to his property. Thus, the applicant is seeking to move water right 31-42 back to his property.

Originally, transfer 76956 proposed to move water right 31-42 to property located in 08N, 36E, Section 21. In the future the applicant plans to transfer ground water rights to this same property in section 21. The applicant does not want to stack water right 31-42 with ground water rights. Therefore, the applicant amended this transfer to change the point of diversion and place of use to property located in 09N, 36E, Section 32.

Water rights 31-122B, 31-123B and 31-7045 are associated water rights that will be added to this transfer. Conditions of approval for these associated water rights will be updated.

Authority to File:

The applicant is the current owner of water right 31-42 per IDWR record. The applicant provided a notarized document from Ken Torgerson verifying the agreement under transfer 4797 and indicates that there is no additional agreement in place that prevents Larsen from moving his water right back to his property. The applicant is the current owner of property of the proposed POD and POU per taxlot data. Blaine Larsen signed the application.

Validity:

Decreed in 2002. In a letter dated November 9, 2010, Greg Shenton the watermaster for water district #31 stated that water right 31-42 had been used on Torgerson land during the current year. Forfeiture is not an issue.

Injury to Other Water Rights:

Within water district 31. The POD will move downstream approximately 7.0 miles where according to IDWRs GIS database it would become the last diversion on Beaver Creek. This diversion change will move the right downstream of junior and senior water right diversions. Moving the point of diversion further down Beaver Creek would result in additional water that would have to bypass junior water rights to fill water right 31-42. The watermaster for WD 31 spoke to the applicant concerning this transfer and emphasized that the upstream water users should be delivered their water first. Watermaster does not oppose this transfer if right 31-42 is subordinate to all upstream water rights on Beaver Creek.

Enlargement of Use:

Prior to transfer 4797, water rights 31-42, 31-122B, 31-123B and 31-7045 were not stacked. The approval of transfer 4797 resulted in water right 31-42 being stacked with rights 31-122B, 31-123B and 31-7045 for the irrigation of 134.0. This transfer will un-stack water right 31-42 from rights 31-122B, 31-123B and 31-7045 to the way they existed prior to transfer 4797. Water rights 31-122B, 31-123B and 31-7045 when combined will still authorize the irrigation of 134.0 acres. Water right 31-42 authorizes the irrigation of 120.0 acres.

No enlargement issues identified

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue 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.