

MEMORANDUM

Date: April 23, 2012
To: Transfer 77811
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion and place of use for water rights 11-333 and 11-334. East Office LC conveyed ownership of water rights 11-333 and 11-334 and seeks to move these rights onto the new water right owners property. Chuck Schvaneveldt and Cathy Code are the new water right owners and owners of the property for the proposed place of use. This transfer will create a 50.5 acre permissible place of use where 17.0 acres are authorized to be irrigated in a single irrigation season. The proposed point of diversion will be changed from the Munro Ditch heading to a pump located downstream on Eight Mile Creek. Lone Tree Ranch LLC owns the property where the proposed point of diversion will be located. Chuck Schvaneveldt is part owner of East Office LC and Lone Tree Ranch LLC.

Authority to File:

East Office LC is filing this transfer on behalf of Chuck Schvaneveldt and Cathy Code. Chuck Schvaneveldt is part owner of East Office LC and Lone Tree Ranch LLC. The applicant provided warranty deeds that convey water rights 11-333 and 11-334 to Chuck Schvaneveldt and Cathy Code. Randy Budge signed the transfer application. His authority to sign on behalf of the applicant was provided with the transfer.

Validity:

These water rights were part of the 1920 Bear River decree. The water right reports for 11-333 and 11-334 do not describe the number of acres being irrigated per legal quarter-quarter. The applicant provided a map to show where these water rights have been used and gave a reasonable explanation supporting the current place of use. Aerial photography from 2006, 2009 and 2011, and watermaster reports for WD 11A were reviewed to confirm water use.

According to 2006, 2009 and 2011 aerial photography, land appears to be irrigated. There is no convincing evidence showing five years of non use. Water assessments for WD 11A are based on water rights and not water delivery. Water use information using watermaster reports for WD 11A are inconclusive. Forfeiture is not an issue for these water rights.

Injury to Other Water Rights:

Water rights are within WD 11A. Point of diversion is moving from the Munro Ditch heading to a pump located downstream on Eight Mile Creek. No recorded water right points of diversion between current POD and proposed POD. Transfer was advertised and there were no protests. Watermaster does not oppose transfer. No evidence of injury

Enlargement of Use:

No enlargement issues identified.

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 the criteria set forth in Section 42-222, Idaho Code.