

MEMORANDUM

Date: March 12, 2012 REVISED
To: Transfer 77648
From: cskinner
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes creating a 2,620.6 acre permissible place of use for twelve Marsh Creek water rights and five ground water rights on property located approximately 4.0 - 6.25 miles east and 1.5 miles north - 2.0 miles south of Declo. The transfer also proposes to modify the authorized points of diversion of the twelve Marsh Creek rights to reflect five locations where water is actually diverted from Marsh Creek. The transfer will also add an existing well, located approximately 5.3 miles east and 0.8 miles south of Declo, as an additional authorized diversion point for three of the groundwater rights (currently diverted from a combination of two existing wells located within the proposed permissible place of use). The recorded points of diversion for the two other groundwater rights, diverted from three wells (generally located along Marsh Creek, south of the proposed permissible place of use, but north and east of Albion) will be modified to reflect locations where ground water from the three wells is injected into and rediverted from Marsh Creek. In total, up to 88.64 cfs of water will be diverted from Marsh Creek via the fifteen Marsh Creek rights, and up to an additional 21.71 cfs of groundwater will be diverted via the five ground water rights to irrigate up to a combined total of 2,115.8 acres within the proposed 2,620.6 acre permissible place of use. One of the groundwater rights, 45-14376, involved with the transfer was split up front from right 45-13507 to allow for the remaining portion to be involved in companion transfer # 77647.

- **Authority to File:**
The applicant is listed as the current owner of record for the rights being transferred. In addition, a warranty deed has been included showing the applicant owns the lands involved with the transfer.
- **Water Right Validity:**
The rights involved with the transfer were decreed in the SRBA in June and July of 2005. Aerial photography appears to support the use described on the rights. Possible forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated. The application will be subject to public notice and protest.
- **Enlargement of Use:**
None anticipated if appropriate limits are implemented.
- **Local Public Interest:**
No issues anticipated. The application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.

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.