

MEMORANDUM

Date: February 02, 2012
To: Transfer 77732
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use for water rights 35-7192A and 35-9069. This transfer also proposes to reduce the period of use for water right 35-7192A. The applicant is seeking to consolidate these water rights onto lesser ground. The water rights combined place of use will be reduced from 636.0 acres to 592.1 acres. The applicant also seeks to change the period of use for water right 35-7192A to that regions standard season of use limit. The season of use will be changed from 04/01-11/01 to 04/01-10/31. Water rights 35-7192A and 35-9069 authorized diversion rates are less than the .02 cfs per acre allowed by IDWR. These water rights will preserve their current diversion rates on the 592.1 acre place of use. The current annual volumes authorized under these rights equal the maximum 4 acre-feet per acre headgate volume allowed for that region. The annual volumes authorized under these rights will be reduced to not exceed the 4 acre-feet per acre maximum. The point of diversion will remain the same.

Authority to File:

The applicant is the current owner of water rights per IDWR record and owner of proposed place of use per Jefferson County taxlot data (updated 6/03/2011). Luke Marchant who is the applicant's attorney signed the application.

Water Right Validity:

Water rights were decreed in 2002. According to the applicant, a portion of the current place of use was not being irrigated for a time. In attempt to protect these water rights from being forfeited, in 2007 an application for extension of time to avoid forfeiture was filed and approved granting the right holder an additional five years to put all of the water rights to beneficial use. In 2010 the applicant resumed beneficial use for the entire place of use. Evidence of resumption of use is outlined in an onsite field inspection report created by Rocky Mountain Environmental. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. No point of diversion change. There is no evidence of injury or change in water source. This transfer will not be advertised. Watermaster does not oppose transfer.

Enlargement of Use:

No 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.