

MEMORANDUM

Date: December 19, 2011
To: Transfer 77641
From: bjordan
Re: transfer evaluation

This transfer proposes to change the point of diversion for water rights 31-12160, 31-12165, 31-12170, and change the place of use for water rights 31-12160, 31-12165, 31-12170 and 31-11728. The applicants are seeking to bring an additional 20.0 acres from water rights 31-12160, 31-12165 and 31-12170, and combine them with water right 31-11728 to authorize the irrigation of 265.0 acres. Bringing in the additional 20.0 acres will make it possible for the applicants to come into water right compliance. The applicants will be using an existing well located in the NENW, of 08N, 33E, Section 22.

Authority to File:

The applicants are the current owners of water rights per IDWR record, Jefferson County taxlot data, and quit claim deed. A quit claim deed was obtained by the applicants, which conveyed any portion of water rights 31-12160, 31-12165 and 31-12170 that is appurtenant to property owned by BLF Land LLC located in the SWSWSE of 08N, 33E, Section 22. Blain and Connie Larsen who is BLF Land LLC conveyed rights 31-12160, 31-12165 and 31-12170 to David and Melissa Ward. Rabo Agrifinance has a security interest with all water rights involved in this transfer. Rabo Agrifinance provided a document consenting to the transfer.

Validity:

These water rights were decreed in either 2002 or 2003. The applicant's farm is approximately 1757.0 acres that are contiguous and covered by several ground water rights, which include the rights involved in this transfer. In total, these water rights authorize the irrigation of 1481.0 acres. Review of 2011 aerial photography, shows the applicants are irrigating approximately 1493.0 acres; leaving 12.0 not covered by a water right. Comparing water right acres with irrigated acres within the farm, all water rights have been utilized within the past five years.

Even though the acres proposed to be transferred appear to have been dried for five consecutive years, these water rights were being beneficially used elsewhere on the farm. Because the applicants water rights and farmland are contiguous; forfeiture should not be an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 110. The current point of diversion and proposed point of diversion are within adjacent cells. No ESPA analysis is required. No injury issues identified. This transfer was advertised and there are no protests. Watermaster does not oppose transfer.

Enlargement of Use: There are no apparent enlargement concerns.

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.