

MEMORANDUM

Date: October 21, 2011
To: Transfer 77524
From: bjordan
Re: transfer evaluation

This transfer proposes to change the point of diversion and place of use for a portion of water right 35-7490. The applicant has entered into a purchase agreement with Grandview Ranch, LLC for 62.0 acres of water right 35-7490 and seeks to move this water to his property located in Section 21 of 03S, 31E. The applicant will be using an existing well recorded under water rights 35-2457 and 35-13045. Point of diversion is located on applicant's property.

Water rights 35-7490, 35-2599, 35-2685, 35-7488, 35-7489 and 35-13046 share a combined place of use of 1300.6 acres. This transfer only seeks to remove 62.0 acres from water right 35-7490. Water rights 35-2599, 35-2685, 35-7488, 35-7489, 35-7490 and 35-13046 are involved in transfer 77526, which seeks to change the point of diversion and change the place of use to the remaining 1238.6 acres. Transfer 77526 also seeks to create a 1550.5 acre permissible place of use.

To process transfers 77524 and 77526 simultaneously, water right 35-7490 had to be pre-split into two water rights and assigned to one of the transfers. Water right 35-7490 was split into 35-14180 (transfer 77524) and 35-14181 (transfer 77526).

Authority to File:

The applicant has entered into a purchase agreement with Grandview Ranch, LLC for 62.0 acres. Grand View Ranch, LLC is the current owner of water right per IDWR record. Applicant owns property of the proposed point of diversion and place of use.

Validity:

Decreed in 2002. A portion of water right 35-7490 is enrolled in the CREP. The 62.0 acres proposed to be moved is not part of the water right enrolled in the CREP. In 2006, transfer 72696 which involved water right 35-7490 was filed. This was approved in 2007. The agent reviewing the transfer indicated that the land was irrigated in 2006 and forfeiture was not an issue. Because the land was irrigated in 2006, forfeiture is not an issue for this transfer.

Injury to Other Water Rights:

Inside the ESPA and within WD120. The applicant provided an ESPA analysis which indicates no additional mitigation is required. The department concurs with these findings. No mitigation required.

The transfer was advertised and there are no protests. Watermaster does not oppose transfer.

Enlargement of Use:

No 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 criteria set forth in Section 42-222 Idaho Code preventing processing of this application.