

MEMORANDUM

Date: October 13, 2011
To: Transfer 77431
From: bjordan
Re: transfer evaluation

This transfer proposes to change the place of use for water rights 34-374B, 34-459, 34-490, 34-10895(groundwater) and 34-12365. The places of use for these water rights do not correctly describe the acres currently being irrigated by the applicant. The applicant seeks to correctly define the place of use for these water rights. Points of diversion will not change.

Authority to File:

In the spring of 2011, Notch Butte Farms filed a similar transfer proposing change the place of use for water rights 34-374B, 34-459, 34-490, 34-10895(groundwater) and 34-12365. The department reviewed that application and found portions of the water rights were located on land not owned by the applicant. The transfer application was sent back to the applicant indicating there were ownership issues with the water rights. The water right ownership issues were resolved and the applicant resubmitted the application. The applicant is the current owner of water rights per IDWR record warranty deeds and other documents. John Lezamiz who is member of Notch Butte Farms LLC signed the application.

Validity:

Water rights were decreed in either 2001 or 2002. A review of 2006-2010 aerial photography and satellite imagery suggest only 213.8 out of 229.0 acres appear to be irrigated, leaving 15.2 acres that may have been forfeited. A letter was sent to Greg Sullivan of Brockway Engineering (applicant's consultant) raising the forfeiture concern. In response to the letter, the applicant provided recent photographs along with GPS points to help clarify what land is actually being irrigated. A revised place of use map and a land list describing the current land under irrigation was submitted to the department. According to the applicant's response letter, revised place of use map and land list, 226.4 out of 229 acres are being irrigated. 2.6 acres have not been irrigated for within the past 5 years. Thus, 2.6 acres from water right 34-10895 (groundwater) will be reduced from 229.0 acres to 226.4 acres.

Injury to Other Water Rights:

Within the ESPA model boundary and WD 34. No point of diversion change for groundwater right. No ESPA analysis required. No issues identified.

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.