

MEMORANDUM

Date: October 11, 2011
To: Transfer 77538
From: kmathews
Re: Transfer approval

Transfer No. 77538 for water rights 73-2222 & 73-2199 proposes to split water right 73-2222 and correct the places of use for water rights 73-2199 and 73-2222. Both of these water rights draw water from the same spring, known as Rock Springs. The two water rights have always been used in combination, since the spring was developed. This transfer will combine the places of use for these two rights so that water from Rock Springs may be devliered to any of the troughs connected to the springs under either water right.

Recently, the BLM conducted a review of these grazing allotments and found that one trough authorized under 73-2222 is actually located on State of Idaho land, on property held by the Idaho Dept of Fish and Game. The BLM determined that it did not want to hold a water right on State of Idaho land. Therefore, this transfer proposes splitting water right 73-2222 into two rights, one right covering the Fish and Game trough and the other right covering the BLM troughs. The ownership for the State of Idaho water right will not be updated as part of this transfer. The State of Idaho can update the ownership in a future filing.

The transfer application originally stated that both water rights, 73-2199 and 73-2222 should be split. We discovered, however, that 73-2199 has never been used on the State of Idaho land. Therefore, only right 73-2222 was split.

Authority to file:
The water right is currently in the name of BLM.

Validity of the Water Right:
The water was decreed in 2000, aerial photography does show some green areas, forfeiture in not an issue.

Injury to Other Water Rights:
This transfer is defining the historical POU and splitting a portion to prevent injury.

Enlargement of Use:
Enlargement issues were averted by placing combined use limits on both water rights (new No. 73-12195 & 73-12196), limiting their use to 13,000 gallons per day and clearly defining that both of these rights are for the same BLM allotment.

Local Public Interest:
No issues identified

Beneficial Use / Conservation of Water Resources:
No issues identified

Public Notice Requirements:
This transfer application is only a correction to an existing stockwater right that has always been diverted from the corrected location and used in the defined area. The amount of water under these rights is such a minimal amount that no impact would be apparent. It was determined that no adverting would be required.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.