

MEMORANDUM

Date: October 06, 2011
To: Transfer 77447
From: bjordan
Re: Transfer Evaluation

This transfer proposes to add a point of diversion and change the place of use for water rights 35-14019 and 35-14069. Water rights 35-14019 and 35-14069 are involved in multiple transfers that propose to split off portions of these water rights and move them to various locations within the ESPA. For this transfer, the applicants are seeking to add a point of diversion and rearrange the place of use for the remainder of water rights 35-14019 and 35-14069. The applicants seek to irrigate a combined 188.0 acres within a 332.5 acre PPU. The applicants will be using existing wells.

The transfer application indicates the period of use for water right 35-14019 will change to 4/1-11/1 (1 day). The period of use for this right will remain 4/1-10/31.

Five other transfers (77438, 77440, 77441, 77443, and 77444) were also filed to provide irrigation water and commercial/stockwater for individuals while offsetting the impacts to the ESPA reaches. The water rights used to offset the impacts are 35-14019 and 35-14069. In addition to the five offsetting transfers, four other transfers (77419, 77442, 77445, and 77446) were filed seeking to move a portion of water rights 35-14019 and 35-14069 to various locations within the ESPA. For simplicity of processing 11 transfers at one time, water right 35-14019 was split into five pieces, and water right 35-14069 was split into eight pieces, and together assigned to a transfer:

Transfer 77438 (City of Chubbuck, offsetting); 35-14149 and 35-14157
Transfer 77439 (Country Club Hills, offsetting); 35-14150 and 35-14158
Transfer 77440 (Ted Baar Dairy, offsetting); 35-14159
Transfer 77441 (LDS, Hibbard, offsetting); 35-14151
Transfer 77443 (Cannon Shelley, offsetting); 35-14160
Transfer 77444 (LDS, Rigby, offsetting); 35-14153
Transfer 77442 (LDS, LURC); 35-14152
Transfer 77445 (LDS, Labelle); 35-14154
Transfer 77446 (LDS, Welfare Farm); 35-14155
Transfer 77447 (Brower); 35-14156 and 35-14161
Transfer 77419 (Heiskell, filed in southern region), 35-14147

A rate of diversion discrepancy occurred when the applicant split water rights 35-14019 and 35-14069 into several pieces. This discrepancy was due to number rounding that occurs when dealing with fractions. The rate of diversion for water right 35-14161 was increased from 1.18 cfs to 1.19 cfs. This transfer was advertised to include the rate of diversion increase.

Authority to File:

In 2007, Jerry and Connie Brower (applicants) deeded Idaho Water Co. a combined 400 acres from water rights 35-2241A and 35-2242. In 2008, the Department received an ownership change for these water rights indicating that Idaho Water Co. receives 400 acres of rights 35-2241A and 35-2242. The department processed the ownership change and gave Idaho Water Co. the entirety of water rights 35-2241A and 35-2242. The 188.0 acres involved in this transfer is owned by Jerry and Connie Brower per water right warranty deed and Bingham County Taxlot data. This transfer will change the

ownership of the 188.0 acres back into the applicant's name. Farmers National Bank has a security interest in water rights 35-14019 and 35-14069, which may not be applicable to the applicant's portion of the water rights. The bank provided a consent letter authorizing the transfer.

Validity:

Water right was decreed in 2001. 2006 aerial photography and water supply bank leases verify that the water right has been used within the past five years. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. Points of diversion are within the same ESPA model cells. No ESPA analysis required. No mitigation required.

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

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.