

MEMORANDUM

Date: August 22, 2011
To: Transfer 77426
From: jcooper
Re: Sufficiency Memo T77426

Application proposes to change the point of diversion (POD) and place of use (POU) for a 1.74 CFS irrigation (132 acres) water right, currently diverted from a well located approximately 8.0 miles E & 2.6 miles S of the Interstate 84 & 86 Interchange near Declo and currently used to supply water to a pivot located approximately 7.7 to 8.2 miles E & 2.4 to 2.9 miles S of the Interstate 84 & 86 Interchange. Applicant proposes to dry up 132 acres at the original place of use and to utilize this water right on a 132-acre portion of a pivot located approximately 5.5 to 6.1 miles E & 1.7 to 2.4 miles S of the Interstate 84 & 86 interchange supplied by a new well to be located approximately 5.5 miles E & 2.3 miles S from that same interchange. Because of the nature of the changes proposed in this transfer application, it is recommended that this transfer be processed with a public notice and protest period.

· Authority to File:

The Departments database indicates that water rights 43-7015 is currently owned by Crandall Farms Inc. A letter from Craig C. Crandall of Crandall Farms Inc. was provided indicate that the Applicant was authorized to pursue the transfer of that right and also indicating that the sale of the water right was contingent on the approval of the transfer. Because of this, the water right will remain in Crandall Farms Inc. until an ownership change is filed by the applicant. A warranty deed shows the proposed POU is apparently owned by Willow Creek Enterprises. The applicant, Reed Gibby, provided a letter as a member of Willow Creek Enterprises, authorizing the proposed changes in the transfer.

· Water Right Validity:

Right 43-7015 was partially decreed in the SRBA in June of 2002. A review of false color composite infrared satellite imagery indicates that ground covered by this right has apparently been irrigated in the last five seasons. A signed statement by Larry Christensen of Little Creek Livestock indicates that in 2007 the well and pivot were used to irrigate grain in 2007 and a new seeding of hay in 2009. Based on this review, it appears that forfeiture is not an issue.

· Injury to Other Water Rights:

None anticipated or foreseen.

· Enlargement of Use:

None anticipated.

· Local Public Interest:

No issues anticipated.

· Beneficial Use/Conservation of Water Resources:

Proposed use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.