

# MEMORANDUM

**Date:** June 28, 2011  
**To:** Transfer 77302  
**From:** bjordan  
**Re:** Transfer Evaluation

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This transfer proposes to change the place of use for water rights 27-7264 and 27-7009. This transfer also proposes to change the point of diversion for water right 27-7009. The applicant is seeking to dry up 14.0 acres from water right 27-7009 and combine it with water right 27-7264 to cover additional acres being irrigated without a water right. The applicant is irrigating 146.0 acres of land under water right 27-7264; which only authorizes the irrigation of 132.0 acres. This transfer will create a combined 146.0 acre place of use. The applicant will be using an existing well.

Two transfer applications (77301, 77302) were filed simultaneously by Mickelson Properties which involves water right 27-7009. The purpose of both transfers was to dry up acres under water right 27-7009 and move them to land that is not covered by a water right. To process these transfers at the same time, water right 27-7009 was pre-split into 3 water rights; 27-12232 (remaining 433.0 acres), 27-12233 (9.0 acres) and 27-12234 (14.0 acres). Water right 27-12232 and 27-12233 are involved in transfer 77301, and water right 27-12234 is involved in transfer 77302. Water right 27-12232 represents the remaining portion of water right 27-7009 after the approved changes through transfer 77301 and 77302. Water right 27-12232 was added as an associated water right under transfer 77301 to illustrate how right 27-7009 was changed.

**Authority to File:**

The applicant is the current owner of water rights per IDWR record. The applicant is the current owner of the proposed permissible place of use per Bingham County taxlot data (updated May, 2011). Luke Marchant, who is the applicants attorney, signed the application.

**Validity:**

Water rights were decreed in 2006 and 2010. Forfeiture is not an issue.

**Injury to Other Water Rights:**

Inside the ESPA and within WD 120. There are 3 points of diversion authorized under water right 27-7009. These points of diversion are all within adjacent ESPA model grid cells to the proposed point of diversion. The applicant submitted an ESPA analysis which simulated the movement of water improperly. The water use data entered on the applicants spreadsheet does not properly reflect the historic and projected water use for the portion of the water right being moved. Since points of diversion are within adjacent cells, no ESPA analysis is 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.