

MEMORANDUM

Date: June 15, 2011
To: Transfer 77201
From: bjordan
Re: Transfer evaluation

This transfer proposes to change the place of use for water right 35-13963, 35-13966 and 35-13969. This transfer also proposes to change the point of diversion for water right 35-13966. The applicants are seeking to change the place of use for these water rights so they are consistent with the current and historical irrigation system on their property. This transfer was filed at the same time as 77195 (approved) in effort to fix a notice of violation for a pivot located primarily in 1S, 34E, Section 26. Will be using existing wells.

This transfer will fix a point of diversion discrepancy for water right 35-13966. Right 35-13966 was derived from original water right 35-2303. One of the Points of diversion for right 35-2303 was claimed incorrectly in the SRBA. The claim report recorded one of the PODs to be in the SENWNE of 01S, 34E, Sec. 25. The point of diversion should have been recorded in the SWNWNE of 01S, 34E, Sec. 25.

Authority to File:

Applicants are the current owners of water rights per IDWR record and Bingham County taxlot data. The applicants proposed new place of use is including property owned by Deloy and Viola Ward. A consent letter from Deloy and Viola Ward was provided allowing the applicants to put their water rights on their property. Rob Harris, who is the applicants attorney, signed the application.

Water Right Validity:

Water rights were decreed in 2002. 2009 aerial photography shows land to be irrigated. This transfer helps resolve a notice of violation issue within the same farmland. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. On paper, this transfer will be changing the point of diversion for water right 35-13966. The point of diversion for this water right has always been located in the SWNWNE of 01S, 34E, Sec. 25 and there is no evidence of injury or change in water source. No ESPA analysis required. This transfer will not be advertised. Watermaster does not oppose transfer.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue 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.