

MEMORANDUM

Date: June 07, 2011
To: Transfer 77195
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use for water rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13962, 35-13965 and 35-13968. The transfer will also change the point of diversion and add a point of diversion for water rights 35-13962, 35-13965 and 35-13968. The applicants are seeking bring in 80 acres from rights 35-13962, 35-13965 and 35-13968 and rearrange acres under rights 35-2314, 35-2441, 35-13601, 35-13639 to resolve a notice of violation. This transfer will result in a 744.0 acre combined place of use. The applicants will be using existing points of diversions described under rights 35-2314, 35-2441, 35-13601 and 35-13639.

Water rights 35-13601 and 35-13639 were recently decreed (2009) in the SRBA as enlargements of rights 35-2314 and 35-2441 respectively. Because rights 35-13601 and 35-13639 were recently decreed, no enlargement and combined use conditions have been established for rights 35-2314 and 35-2441 that clearly associate them together. The proper enlargement and combined use conditions will be placed on water rights 35-2314 and 35-2441.

Authority to File:

The applicants are the current owners of water rights per IDWR record. According to Bingham County taxlot data (updated in November 11, 2009), Deloy and Viola Ward are the current owners of proposed new place of use. Rob Harris, who is the applicants attorney, signed the application. Northwest Farm Credit Services has a lien on the property involved in this transfer. Northwest Farm Credit Services provided a consent letter authorizing the transfer.

Decreed water rights. 2009 aerial photography shows 744.0 acres of land being irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. ESPA analysis indicates there is no impact greater than 10 percent to the individual ESPA reach areas. No mitigation required. Transfer was advertised and there are no protests. Watermaster does not oppose transfer. No injury issues identified.

Enlargement of Use:

No issues identified

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.