

MEMORANDUM

Date: May 26, 2011
To: Transfer 77131
From: dkidman
Re: Transfer Approval

This transfer proposes to change three water rights to allow the existing pivot to irrigate on State owned land. The applicant has a lease agreement with the Department of Lands to irrigate T01S R33E Sec 9 NWSE and SWSE. The applicant is rearranging the irrigated acres of water right 35-7421 and transferring corners from water rights 35-13927 and 35-13928 to the leased ground. The existing wells will be used as described under the water rights. Water rights 35-13929 and 35-13930 are associated rights.

In 2009, an ownership change was processed that resulted in the splitting of 35-2160A into 35-13927 and 35-13928. When the acre limits were calculated, the acre limit element of the water rights and the conditions did not match. Water right 35-13927 listed the acre limit as 146.0 acres but the condition listed 145.6 acres and water right 35-13928 listed the acre limit as 149.0 acres but the condition listed 149.4 acres. This discrepancy will be corrected in the approval of this transfer.

Authority to File:

A lease agreement with an expiration date of December 31, 2019 was signed between the applicant and the Department of Lands. Roughly 71 acres located in T01S R33E Sec 9 NWSE and SWSE can be irrigated. The applicant is the owner of water rights 35-7421 and 35-13928. Water right 35-13927 is owned by the applicants father. Deloy Ward has signed a notarized document allowing the removal of acres from his water right. Western AgCredit submitted a letter authorizing transfer.

Water Right Validity:

All of the rights were decreed in the SRBA in January 2002. 2004, 2006 and 2009 aerial photography shows the lands in question to be irrigated. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

The rights are within the ESPA and the Ground Water Model showed an impact of less than 2 af/trimester. These water rights are within Water District 120. Watermaster for WD 120 did not oppose the transfer.

Enlargement of Use:

Combined use limits will be applied to the water rights to prevent enlargement. No other issues identified.

Local Public Interest:

No issues identified.

Beneficial Use/Conservation of Water Resources

No issues identified.

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.

The application has been advertised in the Morning News which resulted in no protests filed.