

MEMORANDUM

Date: April 25, 2011
To: Transfer 77103
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use and change the point of diversion for water rights 35-14098, 35-14100, 35-14102, 35-14104, 35-14106, 35-14108 and 35-14110. This transfer also proposes to change the place of use and add a point of diversion for water right 35-7337. The applicant seeks to move a portion of water rights 35-14098, 35-14100, 35-14102, 35-14104, 35-14106, 35-14108 and 35-14110 to a new place of use and combine them with water right 35-7337 to create an 846 acre place of use. The applicant will utilize an existing well recorded under right 35-7337. The applicant will also drill a new well.

The applicant listed 35-13934, 35-13936, 35-13938, 35-13940, 35-13942, 35-13950 and 35-13952 as current water rights. These water right number have since changed as a result of prior transfer filings. The current active water rights are 35-14098, 35-14100, 35-14102, 35-14104, 35-14106, 35-14108 and 35-14110. Water right 35-7337 is current.

Authority to File:

The applicant is the current owner of water rights per IDWR record and Jefferson County taxlot data (Feb, 2010). Applicant is the current owner of new place of use per warranty deeds and Bonneville County taxlot data (April, 2009). Rob Harris, who is the applicant's attorney, signed the application.

Water Right Validity:

Water rights were decreed in 2002. Water rights 35-14098, 35-14100, 35-14102, 35-14104, 35-14106, 35-14108 and 35-14110 were appurtenant to land that has recently come out of CRP (2009). Water right 35-7337 historically was appurtenant to the same CRP land. In 2009, water right 35-7337 was transferred off of the CRP land. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. The applicants ESPA analysis indicates that the change ratios to the ESPA reach areas are less than 10%. IDWR concurs with the analysis. 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.