

MEMORANDUM

Date: April 8, 2011
To: Transfer 77075 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to add points of diversion (POD) for 4.63 CFS of irrigation water rights, currently diverted from Cassia Creek approximately 0.5 mi. south of Malta, and for 3.00 CFS of groundwater, currently diverted from a well located approximately 1.5 mi. north of Malta. The additional proposed Cassia Creek and groundwater PODs are to be located on the applicant's property approximately 1.8 mi. north & 0.4 mi. east of Malta. Application also proposes to change the place of use (POU) for portions of a groundwater right used for stockwater, which is currently decreed on adjacent ground, to the applicant's property. The Cassia Creek points of diversion involved in this transfer are under the regulation of the Cassia Creek Water District (43C), so water master comments will be solicited. Because of the nature of the changes proposed in this transfer application, it is recommended that this transfer be processed with a public notice and protest period.

- **Authority to File:**
IDWR records confirm that Nolan & Luann Branch (applicants) are the current owners of water rights 43-293A, 43-296A, 43-302, 43-2361, 43-12995, and 43-12994. A deed was also included in the application conveying the rights from the previous owners, Ronald & Jayln Harper, to the applicant. A review of the adjudication records indicates that the stockwater component was never claimed or transferred to the ground it was decreed on, which is proposed to be changed to only the applicant's property. This specifically relates to the following tracts: TWP12S RNG26E Sec. 36, NWNE & NWSW and results in what is essentially a paper change of the right. It should also be noted that a separate groundwater right, 43-2388, was also decreed in the NWNE tract for stockwater.
- **Water Right Validity:**
Rights 43-293A, 43-296A, 43-302, 43-2361, 43-12995, and 43-12994 were partially decreed in the SRBA in June of 2002. A review of aerial and satellite imagery indicates that most of the appurtenant property was recently irrigated, though some areas are unclear. An examination of the last five years daily diversion records for the Cassia Creek Water District (43-C) indicates several periods where the full decreed flow was delivered. Based on this review, it appears that forfeiture is not an issue.
- **Injury to Other Water Rights:**
Applicant has indicated that they have discussed the proposed changes with the other water users along the same Cassia Creek delivery system. The applicant indicated that there are no concerns with moving the POD further downstream on Cassia Creek. No other injury is foreseen.
- **Enlargement of Use:**
None anticipated. Rights will be limited as decreed.

- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

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.