

MEMORANDUM

Date: February 25, 2011
To: Transfer 77025
From: bjordan
Re: Transfer Evaluation

Transfer 77025 proposes to change the point of diversion and place of use for water rights 35-2728, 35-2844, 35-7361 and 35-7856. The applicant is seeking to transfer 45.0 acres to their property located in the NE ¼ of 06S, 29E, Section 33 and in the NW ¼ of 06S, 29E, Section 34. The applicant seeks to drill a new well.

This is one of two transfers filed by the applicant seeking to change the point of diversion and place of use for water rights 35-2728, 35-2844, 35-7361 and 35-7856. The applicant submitted deeds showing they obtained a combined total 1.22 cfs, 180 acre-feet and 90 acres of water rights 35-2728, 35-2844, 35-7361 and 35-7856. Transfer 77023 and 77024 both seek to transfer 45.0 acres of water rights 35-2728, 35-2844, 35-7361 and 35-7856 to two separate parcels owned by the applicant. Both transfers were processed together.

The transfer approval document will display a slight difference in cfs, acre-feet and acres for the individual water rights than what the transfer applications and quit claim deed show. This slight difference for the individual water rights is a result of number rounding. However, the total cfs, acre-feet and acres proposed to be transferred in the applications will not change. The applicants will still obtain a total of 1.22 cfs, 360 acre-feet and 90.0 acres as described in the quit claim deed and transfer applications.

In order for both transfers to be processed together, water rights 35-2728, 35-2844, 35-7361 and 35-7856 had to be pre-split and assigned new water right numbers. Water rights 35-2728, 35-2844, 35-7361 and 35-7856 were pre-split into 3 pieces and assigned to either transfer 77023 or transfer 77025.

Right 35-2728 pre-split into:
35-14080 (remaining portion); transfer 77023
35-14081; transfer 77023
35-14082; transfer 77025

Right 35-2844 pre-split into:
35-14083 (remaining portion); transfer 77023
35-14084; transfer 77023
35-14085; transfer 77025

Right 35-7361 pre-split into:
35-14088 (remaining portion); transfer 77023
35-14089; transfer 77023
35-14090; transfer 77025

Right 35-7856 pre-split into:
35-14091 (remaining portion); transfer 77023
35-14092; transfer 77023
35-14093; transfer 77025

Water rights 35-14080, 35-14083, 35-14088 and 35-14091 are the remaining portion of water rights 35-2728, 35-2844, 35-7361 and 35-7856. These water rights are involved in transfer 77023 as associated water rights to show how the water rights were reduced.

Authority to File:

Applicant is the current owner of water rights per quit claim deed and owner of the property for the new POU and POD per warranty deed. Lance Funk who is a partner in the Lance & Lisa Funk Partnership, signed the application.

Water Right Validity:

Rights 35-2728, 35-2844, 35-7361 were decreed in 2002 and water right 35-7856 was licensed in 1999. The portions of the water rights being changed are appurtenant to land that has been enrolled in a set-aside program (CRP). Applicant submitted a CRP contract with a map. Forfeiture is not an issue

Injury to Other Water Rights:

Inside the ESPA and within WD 120. Applicant provided an ESPA analysis, which indicates that no mitigation is required for this transfer. The department concurs with the applicants findings. No mitigation required. This transfer was advertised and there were no protests. Watermaster does not oppose this 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.