

MEMORANDUM

Date: February 23, 2011
To: Transfer 76991
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion for water rights 73-189, 73-147A, 73-147C, 73-150D, 73-10040, 73-10041 and 73-12110. The applicant is seeking to move one of the points of diversion on the Pashimeroi River upstream approximately 0.2 river miles to accommodate planned construction activity. The point of diversion to be change is also used as a point of re-diversion (73-147C, 73-10041 and 73-12110).

Prior to the filing of this transfer, the applicant filed application for transfer 75708 (approved), which changed the nature of use for water rights 73-147A, 73-10041 and 73-12110. The applicant created an 11 acre pond. 47.7 acres of water rights 73-147A, 73-10041 and 73-12110 were dried up to mitigate for evaporation losses and for annual fills of the pond. Prior to the transfer being approved, these water rights shared the same 2413.3 PPU with 73-189, 73-147C, 73-150D and 73-10040. It was noted in a memorandum titled "Analysis of 2nd Amended Application for Transfer 75708- Flying Joseph Ranch" that water rights 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165 and 73-10040 share the same place of use with the rights involved in the transfer, and the water rights did not need to be brought into the transfer because the pond and ground dried is not within the same place of use. The memorandum also explained that the combined limits to rights 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165 and 73-10040 will be updated. The conditions of approval for water rights 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165 and 73-10040 were changed to include a condition that limits the combined acres to 2365.6.

After further review, water rights 73-189, 73-147C, 73-150D and 73-10040 do in fact overlap the same place of use being dried up for the pond and should have been included in transfer 75708 as associated water rights. The associated water rights should have been reduced to 2365.6 acres. This transfer will reduce the total acres under rights 73-189, 73-147C, 73-150D and 73-10040 to a 2365.6 acre PPU.

Authority to File:

Applicants are the current owner of water right per IDWR record and property per Custer County taxlot data. James Speck, who is the applicant's attorney, signed the application.

Water Right Validity:

Decreed in 2010. Forfeiture is not an issue

Injury to Other Water Rights:

Within WD 73. The point of diversion change is moving up the Pashimeroi River approximately 0.2 river miles. This transfer was advertised state wide and there were no protests. Watermaster did not comment. No injury issues identified.

Enlargement of Use:

No issues identified

M E M O R A N D U M

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.