

MEMORANDUM

Date: January 6, 2011
To: Transfer 72275
From: bjordan
Re: Transfer Evaluation

This transfer proposes to add a point of diversion for water rights 29-30, 29-31, 29-13320 and 29-13321. This transfer also proposes to change the place of use for water rights 29-30, 29-31, 29-2379, 29-13320 and 29-13321. This transfer was originally filed in 2005. The original application did not include the overlapping ground water right, 29-2379. The processing of the original application was delayed because of water right and property ownership issues. The applicants have amended the transfer application, resolved the ownership issue and included ground water right 29-2379 as part of the application. The ownership issue was resolved by simply changing the place of use only to the portion of the water rights that reside on applicants property. The applicants are adding a point of diversion downstream for surface water rights 29-30, 29-31, 29-13320 and 29-13321.

The place of use for the stockwater component under rights 29-13321 and 29-2379 will be same as irrigation.

Authority to File:

Applicants are the current owners of water rights per IDWR record and owner of property per warranty deed. Caribou County taxlot data (updated, 2010) confirms the applicants as property owners.

Validity:

Water rights 29-30 and 29-31 were decreed 8/30/2005. Water rights 29-13320 and 29-13321 were decreed 1/6/2006. Water right 29-2379 was decreed 1/17/2007. 2009 aerial photography shows land to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

The surface water rights are within WD 29. The ground water right is outside the ESPA and not within a WD. The transfer was advertised and there were no protests. Water master asked for measuring devices to be installed on the surface diversions. The applicants are adding a point of diversion downstream approximately 1.2 river miles. The applicants are the only water users who have water rights and divert water within the 1.2 mile stretch of river. 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.