

MEMORANDUM

Date: November 23, 2010
To: File
From: Nick Van Dyke
Re: Analysis of 2nd Amended Application for Transfer 75708 – Flying Joseph Ranch

Narrative: Transfer 75708 proposes to change the nature of use for a 47.7 acre portion of Rights 73-147A, 73-10041, & 73-12110 from irrigation to storage purposes to cover the annual fill and consumptive uses from an 11 acre pond built pursuant to Permit No. 73-14146. The pond was intended to intercept the shallow water table and fill with groundwater but inflows have been insufficient to fill the pond.

Originally the acres now converted to pond surface area (about 11 acres) were going to be a part of the acres dried in this transfer but the plan now is to use 47.7 acres that have been dried due to the construction of a runway. Those 11 acres that were converted to the pond will be used in another upcoming transfer. Also note the rights in this transfer share a place of use with rights 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040; however those rights did not need to be brought into the transfer because the pond and ground dried is not within the place of use for those rights. The combined limit on those rights will be updated.

Right 73-147A was decreed with condition D09, which is in regards to points of measurement. See Tim Luke's November 8, 2010 memorandum which discusses these points of measurement. Rights 73-10041 and 73-12110 were not decreed with this condition; however these rights also flow thru these points of measurement. I discussed this with Tim Luke today concluding this condition should be added to both 73-10041 and 73-12110 in this transfer.

Authority to File: Jim Speck, attorney for the water right holder signed the application.

Water Right Validity: 73-147A, 73-10041, and 73-12110 were decreed in September of 2010. Forfeiture is not an issue.

Injury to Other Water Rights: None anticipated. There will be no change to the manner in which both rights are diverted. Application was advertised, no protest received. Received watermaster comment and input from Tim Luke of the Department's Distribution Section (see file) – transfer has been conditioned accordingly.

Enlargement of Use: There is no evidence of enlargement of use. Per ET data the 47.7 acres of historical grass pasture (high management) that will be dried will provide enough acre-feet to supply the pond without enlargement.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues 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.