

MEMORANDUM

Date: October 26, 2010
To: Transfer 76805
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion and change the place of use for water rights 35-12915 and 35-13316. Applicant has entered into a special agreement allowing water right transfer with County Line Farms. The applicant is seeking to transfer 105.0 acres of combined water rights 35-12915 and 35-13316 to a PPU of 320 acres owned by County Line Farms. Once the transfer is approved, County Line Farms will file an ownership change on the 105 acres of combined water rights 35-12915 and 35-13316. Applicant will be drilling a new well.

The period of use for these water rights will not change; though a change is requested on the application for water right 35-12915.

Four additional transfers (76778, 76804, 76806 and 76808) were also filed to provide irrigation water for individuals while offsetting the impacts to the ESPA reaches. The water rights used to offset the impacts are 35-12915 and 35-13316. Water right 35-12915 is an enlargement of right 35-13316. For simplicity of processing five transfers at one time, water rights 35-12915 and 35-13316 were pre-split into six pieces and assigned to a transfer:

Transfer 76778(near Idaho Falls); 35-14044(enlargement) and 35-14050(base)
Transfer 76804(near Pocatello); 35-14045(enlargement) and 35-14051(base)
Transfer 76805(near Aberdeen); 35-14046(enlargement) and 35-14052(base)
Transfer 76806(near Eden); 35-14047(enlargement) and 35-14053(base)
Transfer 76808(near Ashton Reservoir); 35-14048(enlargement) and 35-14054(base)

Water Rights 35-14043(enlargement) and 35-14049(base) are the remaining portions of the pre-split water rights and will be assigned to transfer 76778 as associated water rights.

Authority to File:

The applicant is the current owner of water rights 35-14046 and 35-14052 per IDWR record. Applicant has entered into a special agreement allowing water right transfer with County Line Farms. County Line Farms is the current owner of the 320 acre PPU per tax assessments. Water rights 35-14046 and 35-14052 are currently in Idaho Water Company's name. After the transfer is approved, County Line Farms will file an ownership change. Ridgeway Holdings, LLC has a mortgage on portions of water rights 35-12915 and 35-13316. Ridgeway Holdings, LLC provided a notarized statement consenting to transfer.

Validity:

Water rights were decreed in 2002. Water rights 35-14046 and 35-14052 are appurtenant to land that have been enrolled in a set aside program since September, 1996. Forfeiture not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 120. An ESPA analysis was conducted on each transfer calculating the

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ESPA reach impacts. In total, these transfers offset the impacts to the ESPA reach areas and no additional mitigation is required.

The applicants ESPA analysis was able to be duplicated with similar results.

It needs to be noted that the point of diversion change in transfer 76804 is located within an inactive model cell (row 104, column 121). The applicant used the closest model cell that was active (row 102, column 121). Also, the point of diversion change in transfer 76808 is located within an inactive model cell (row 50, column 203). The applicant used the closest model cell that was active (row 50, column 202).

Transfer was advertised and there were no protests. No comment water received from the WD 120 watermaster.

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.