

MEMORANDUM

Date: May 18, 2010
To: Transfer 76509
From: bjordan
Re: Transfer analysis

This transfer proposes change the place of use and add point(s) of diversion for water rights 34-2321 and 34-7015. Applicants propose to rearrange acres within the same place of use to cover the acres that are currently being irrigated. The current wells under rights 34-2321 and 34-7015 cannot divert their decreed flow rate. Therefore, the applicant proposes to add point(s) of diversion which will allow them to divert their full water right. These ground water rights overlap and supplement Big Lost River (34-872A, 34-10729, 34-13567) and Antelope Creek (34-116A, 34-10763, 34-10765, 34-10767, 34-13568) water rights. Two additional transfers (76510 and 76521) were submitted proposing to change the place of use to overlapping water rights.

Authority to File:

Applicant is the current owner of water right per IDWR record and owner of property per Custer County taxlot data (updated October, 2009).

Water Right Validity:

Decreed in 2001. 2006 and 2009 aerial photography show land to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Inside the ESPA and within WD 34. Additional point(s) of diversion are within adjacent cells. No ESPA analysis required. Transfer was advertised and there are no protests. Watermaster does not oppose transfer. No evidence of injury.

Enlargement of Use:

There is no evidence of enlargement of use.

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.