

MEMORANDUM

Date: June 07, 2010
To: Transfer 75871
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use for water rights 35-4179A, 35-4179B, 35-2009 and 35-14017. Applicant sold approximately 8.6 acres of property located in the SWNW of Sec. 8, 05S, 32E with only a portion of water right 35-7990. Prior to the transfer approval, water right 35-7990 was split into 35-14017 (39.4 acre split) and 35-14018 (8.6 acre split) for transfers 75868 and 75871. Applicant is proposing to remove overlapping water rights 35-4179A, 35-2009 and 35-4179B off of property sold. Also the applicant has a land easement with the BOR which expired and needs to remove water rights off of a portion of BOR property. This transfer will change the existing 542 acre PPU to a 464 acre PPU. The applicant will be authorized to only irrigate 223.4 acres within the 464 acre PPU. Point of diversions will remain the same.

A companion transfer (75868) was filed at the same time to change the point of diversion and complete an ownership change for right 35-14018 (35-7990 was presplit).

Transfer 70513 was an approved transfer which allowed for a PPU of 542 acres. Rights 35-7990, 35-4179A, 35-4179B and 35-2009 were authorized to irrigate a total of 232 acres within the 542 acre PPU. Applicant should not be required to identify the acres to be irrigated since a PPU was approved before the new PPU standards.

Authority to File:

Applicant is the current owner of water rights per IDWR record and water right release documents. Applicant also has a land use agreement with the BOR. Mary Hege who is the Trustee for Christensen Bypass Trust signed the application.

Water Right Validity:

Decreed in 2002. 2009 aerial photo shows land to be irrigated. Forfeiture not an issue

Injury to Other Water Rights:

Inside the ESPA and within WD 120 and 01. No POD change. No ESPA analysis needed. No mitigation will be required. No evidence of injury. Water master does not oppose approval of transfer.

There were no protests.

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.