

M E M O R A N D U M

Date: January 29, 2010
To: Transfer 76167
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change POD, POU and nature of use for water rights 34-14089 and 34-14091. This transfer was submitted to provide mitigation to offset impacts from diverting groundwater for irrigation under pending permit 34-14101. The applicant is proposing to divert water from the Sharp Ditch diversion where it will be delivered to the head of their ditch, pass through a measuring device and then dump into an infiltration pit where it will percolate into the underlying aquifer. The nature of use for rights 34-14089 and 34-14091 will be changed to ground water recharge. The infiltration pit will be located in the NWSESW of 07N, 23E, Section 17.

The POD legal description defined under water rights 34-14089 and 34-14091 is in error. The spatial location for the POD has always been in the NWSESE of 07N, 23E, Section 12. The applicant proposes to correct the POD legal descriptions for rights 34-14089 and 34-14091.

Authority to File:

Applicant is the current owner of water rights per IDWR record. Karen Place Broussard who is the owner signed the application. The infiltration pit where the recharge will occur is located on property owned by James N. McAlister and Gwendolyn S. McAlister. An agreement document was submitted allowing the infiltration pit to be constructed and used for ground water recharge.

Water Right Validity:

Water rights were decreed in 2002. 2006 and 2009 aerial photos show land to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Within water district 34. A mitigation plan was submitted explaining the reason behind the filing of permit 34-14101 and transfer 76167 and how this plan will offset injury to other water users. It is unlikely injury will occur if applicant abides by the proposed mitigation plan and conditions of approvals set forth on the approved transfer 76167 and permit 31-14101. No evidence of injury.

Watermaster does not oppose the approval of the transfer if it is conditioned to have a small weir installed as functionally possible to the headgate. The approval draft is conditioned to have an acceptable measuring device installed. The mitigation plan also explains that a measuring device will be installed in ditch.

Transfer application was advertised and there are no protests.

Enlargement of Use:

No issue 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.