

MEMORANDUM

Date: December 23, 2009
To: Transfer 75147
From: dcarlson
Re: transfer evaluation

This transfer proposes to move two groundwater industrial water rights from the FMC plant to a new Coal/Fertilizer Gasification Plant near American Falls. Two new wells will be drilled.

Authority to File:

Applicant is the owner of record as far as the SRBA decrees/Water rights.
Applicant has purchase agreements for the new property.

Water Right Validity:

This water right was decreed in the SRBA in 2004. This transfer was filled in 2008.
The water rights have been in the water supply bank since 2005.
Forfeiture is not an issue.

Injury to Other Water Rights:

Moving groundwater rights within the ESPA and Water District 120 area. Reducing the total combined annual acre feet volume to comply with the ESPA groundwater model effects. The ESPA model run in the file.

The watermaster from WD120 gave his approval.

Transfer was advertised. The one protest was resolved and withdrawn.

Enlargement of Use:

There is no evidence of enlargement of use. Acre Feet volumes will be reduced.

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.