

MEMORANDUM

Date: September 28, 2009
To: Transfer 75432
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion and place of use to water rights 35-7837C, 35-8370B and 35-13263. Applicant purchased enlargement water right 35-13263 from Darlene Inskeep and proposes to change the point of diversion to his own diversion located in the NWNWNE of 06S 30E section 8. Applicant also proposes to change the place of use under water right 35-8370B, 35-7837C and 35-13263 to make a PPU of 244 acres. There will be an ownership change for water right 35-13263. Using existing diversions. Nature of use is irrigation.

Water rights 35-7243 and 35-2758B are associated water rights and will here to be change to correspond with changes made to water rights involved in this transfer. Enlargement water right 35-13263 will now be an enlargement of water rights 35-7837C and 35-13890 (35-8370B Parent). Conditions of approval also have been updated on the associated water rights.

Historically, water right 35-8370B was diverted out of two points of diversion. As a result of this transfer, only one point of diversion is needed to deliver water for right 35-13890 (35-8370B Parent). No change in point of diversion is required for this transfer. Applicant is only dropping a point of diversion.

Authority to File:

Foster Family Farms INC is the current owner of proposed POU per IDWR record and taxlot data. Marc Foster who is a registered agent for Foster Family Farms INC signed the application. Purchase agreement was submitted showing Foster Family Farms owns enlargement right 35-13263.

Water Right Validity:

Licensed and decreed water rights. 2006 aerial photography shows land to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Within Water District 120 and inside ESPA. Points of diversion change are within or in adjacent cells. No new Hydrologic impacts. No GW analysis needed. No evidence of injury. Water Master does not oppose transfer if it is conditioned to have a lockable diversion and measuring device. Will process as a no ad transfer.

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.