

MEMORANDUM

Date: July 22, 2009
To: Transfer 75304
From: bjordan
Re: Transfer Analysis

This transfer proposes to add all of the City of Chubbucks points of diversion to water rights 29-2385, 29-2413, 29-2469, 29-7624, 29-8229, 29-8188 and 29-8230. Applicant proposes to divert its water rights from any combination of the Cities wells as necessary to effectively and efficiently provide water to its service area. Applicant will be using existing wells. The point of diversion located in 06s 34E 11 Gov. lot 4 is outside WD 120 boundaries and is not in a ground water district but is connected to common system within WD 120 and will be conditioned to watermaster control.

Authority to File:

Applicant is the current owner of water rights per IDWR Record. Thomas J. Budge who is the applicants attorney signed the application.

Water Right Validity:

Water rights under this transfer have been licensed or decreed. Decreed date is 2004. Forfeiture is not an issue. Nature of use is municipal.

Injury to Other Water Rights:

Inside the ESPA and in Water district 120. Point of diversion located in 6S 34E 10 SWSW Gov. lot 13 (from well) and 6S 34E 4 SWSESW (too well) are not within adjacent cells and point of diversion located in 6S 34E 10 SWSW Gov. lot 13 (from well) and 5S 34E 34 SENWSW (too well) are not within adjacent cells. Ground water model was run for points of diversions not within adjacent cells. Model was run two different ways; 1) to depict the authorized diversion of the well located in 6S 34E 10 SWSW Gov. Lot 13 to the wells that are not within adjacent cells and closest to the snake river and 2) depict the worst case scenario of all water (18.6 cfs 24h/d and 365d/y) being diverted to wells that are not within adjacent cells and closest to the Snake River. Both ESPA analysis show the point of diversions located in 6S 34E 10 SWSW Gov. Lot 13 and 5S 34E 34 SENWSW which are not within adjacent cells are under the 10% ratio impact. Point of diversions located in 6S 34E 10 SWSW Gov. lot 10 and 6S 34E 4 SWSESW which are not within adjacent cells had an impact of 11% at the Near Blackfoot to Neeley Reach in the winter of 2009. To avoid mitigation the well in 6S 34E Sec 4 SWSESW will be limited to 9.69 cfs. Watermaster does not oppose transfer if it is conditioned to have a lockable diversion, measuring device and right should be conditioned to identify original well.

Advertise state wide to determine protest.

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.