

MEMORANDUM

Date: April 06, 2009
To: Transfer 75093
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use for water right 35-7337 by moving 318 acres from 4N 35E sec 29 to the W1/2 3N 35E sec 12. A new well is proposed to be drilled in the SESESW of 3N 35E sec 12. Water right 35-7337 (being transferred) is part of a package of water rights that has an instantaneous diversion that cannot exceed 22.58 cfs, nor total combined annual volume of 9240 af for the irrigation of a total of 2310 acres. This is another combined limit with 7.29 cfs, 2216.0 af and 236 acres. Instead of taking a portion of each of the string of water rights, the applicant proposes to single out water right 35-7337 and transfer it to a new point of diversion and place of use. There should be no combined limits associated with 35-7337.

As a result of singling water right 35-7337 out, the left behind water rights (35-7335B, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407) will have a total combined limit of: 1992 acres (2310-318), 17.13 cfs (22.58-5.45), 7305.1 af ($17.13 \times 1.9835 \times 215 = 7305.1$ which is $< 1992 \text{ acres} \times 4 \text{ af} = 7968$). The left behind water rights (35-7335B, 35-7509B and 35-7628) on the other combined limit will be reduced to 236 acres (554-318) 1.84cfs (7.29-5.45) and 784.7af ($1.84 \times 1.9835 \times 215 = 784.7 \text{ af}$ which is $< 336 \times 4 = 1344 \text{ af}$).

These reduced combined limits will be reduced even further by transfer 75092 and 75094 (see transfers for further reductions).

Authority to File:

Applicant is the current owner of water right. Warranty deeds were submitted verifying correct ownership of the new place of use.

Water Right Validity:

Decreed in 2002. Land Sat 2008 Mosaic shows land being irrigated in 4n 35E sec 16. The rest of the land is in CRP. Forfeiture is not an issue. Nature of use is irrigation

Injury to Other Water Rights:

Inside the ESPA and in Water district 120. ESPA ground water model was run on 6 wells (from). Results show that wells in section 16 and section 20 shows a 6% spike to the Shelley near Blackfoot reach. This 6% spike quickly falls under 5% and stays under. The wells in section 21, 28, 29 and 31 are at or under 5%. The average impact to the Shelley near Blackfoot reach is 5% or under. This water right is used at 6 point of diversions. When considering that a portion of this water right is used at every point of diversion, the impact to the Shelley near Blackfoot reach is at or under 5%. No mitigation is required since we are under the 10% threshold. Watermaster does not oppose this transfer.

Advertise 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.