

MEMORANDUM

Date: May 07, 2009
To: Transfer 75092
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use and point of diversion for water right 35-7629A and a portion of water right 35-7509B. Applicant proposes to move 47 acres under water rights 35-7629A and 35-7509B (Split) and combine them with the POU under 35-2757. The total combined irrigated acres under these water rights will now be 781 acres. Applicant will be using an existing well under water right 35-2757.

The left behind portion of water right 35-7509B (now 35-13844) will be rearranged by transfer # 75094. Though we are fixing two POD legal descriptions and changing POU for the left behind portion of water right 35-7509B (now 35-13844) under transfer #75092, the left behind portion of water right 35-7509B (now 35-13844) is part of transfer # 75094. Transfer # 75094 proposes to rearrange the POU and correct two of the POD legal descriptions. As a result of transferring the left behind portion of water right 35-7509B (now 35-13844), transfer # 75092 and 75094 need to be approved at the same time.

Water right 35-7337 (transfer# 75093) was part of a package of water rights that had 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. Instead of taking a portion of each of the packaged water rights, the applicant proposed to single out water right 35-7337 and transfer it to a new point of diversion and place of use. This water right will now be on its own. transfer 75093 reduced water rights 35-7335B, 35-7509B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407 combined limits to: 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 $< 1992 \text{ acres} \times 4 \text{ af} = 7968$), and the combined limits to water rights 35-7335B, 35-7509B and 35-7628 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 $< 336 \times 4 = 1344 \text{ af}$).

Transfer (75094) further reduces those combined limits of water rights 35-7335B, 35-7628, 35-13399, 35-13401, 35-13403, 35-13405, 35-13407 and 35-13844 (remaining portion of 35-7509B as a result of transfer 75092) to: 1980 acres (2310-318-12), 17.01 cfs (22.58-5.45-.12), 7254 af ($17.01 \times 1.9835 \times 215 = 7254$ which is $< 1980 \text{ acres} \times 4 \text{ af} = 7920$), and the combined limits to water rights 35-7335B, 35-13844 (remaining portion of 35-7509B as a result of transfer 75092) and 35-7628 to: 224 acres (554-318-12) 1.72cfs (7.29-5.45-.12) and 733.5af ($1.72 \times 1.9835 \times 215 = 733.5 \text{ af}$ which is $< 224 \times 4 = 896 \text{ af}$).

Authority to File:

Foster Land and Cattle CO. The Foster Compant and Foster Agro Inc are current owners of water right. A document was submitted showing these three business entities are in agreement with the distribution and changes to water rights. Warranty deeds and Quit Claim 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. CRP contract submitted for verification. Forfeiture is not an issue. Nature of use is irrigation

Injury to Other Water Rights:

transfer if it is conditioned to have a lockable diversion and measuring device.
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.

SCANNED
APR 07 2009