

# MEMORANDUM

**Date:** December 18, 2008  
**To:** Transfer 73993  
**From:** bjordan  
**Re:** Transfer Evaluation

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This transfer proposes to change the place of use, point of diversion, and period of use. The FMC facility at the current place of use is no longer in operation. FMC will be using water for dust abatement for an ongoing environmental remedial analysis at a new location. This remedial analysis will be going year round. Therefore the applicant proposes to change the period of use to supply water year round. The rate under this transfer is .64 cfs and the volume is 63 af annually. As long as applicant stays within cfs and volume, there should not be an enlargement concern. Because this water right is limited to an annual volume of 63af, the proposed industrial use cannot consume more than 63af as described in water right 29-2255C. Water right 29-2255C prior to this transfer was used for dust suppression and silica washing at the old FMC site. The annual volume under water right 29-2255C-after the approval of transfer 73993-will remain at 63af. Water use will be consumptive. Using an existing well. Overlapping water rights 29-2301 and 29-2284 are part of an ongoing transfer that has yet to be approved. Other overlapping water rights are as followed:

27-2035  
27-2007  
29-2502  
29-2375  
29-2501  
29-7763  
29-4088  
29-13065  
29-2339

## Authority to File:

FMC has provided warranty deeds, which shows them as owner of the proposed POU. FMC is owner of water right.

## Water Right Validity:

Water rights have been decreed in 2004. Forfeiture is not an issue. Nature of use is commercial.

## Injury to Other Water Rights:

Inside the ESPA area, and in Water District 120. The current POD sits outside of the ESPA model grid boundary while the proposed POD sits inside model grid boundary. For ESPA model analysis purposes, Water Right Agent used the closest cell inside the grid boundary (data entry row 101 column 120). Ground water analysis shows there is approximately a depletion of 1 af/trimester at the Near Blackfoot to Neeley Reach, which is below the 2 af/trimester threshold. From 2006 and on, the POD has not been used. Will request Watermaster comment.  
Advertise to determine protest.

## Enlargement of Use:

## **M E M O R A N D U M**

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.