

MEMORANDUM

Date: November 17, 2008
To: Transfer 75240 File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to add points of diversion to three water rights currently authorized to pump a total combined diversion rate of 3.67 cfs and 1,048 AF from two existing wells for the irrigation of 262 acres. The system currently uses one well located in Section 11, T10S, R20E for the irrigation of 120 acres in Section 11 and another well located in Section 14, T10S, R20E for the irrigation of 142 non-overlapping acres in Sections 11 and 14. (We ended up changing/correcting the legal description of the well in Section 11 on all of the rights from the NWNESW to the SWSNW to match the GPS coordinates and the WMIS point. The owner confirmed that the well is located east of the road and just south of the pivot tower which puts it in the SWSNW. This location is apparently only 1 - 3 feet north of the QQ line.) The well in Section 14 is in need of repairs and they want to be able to pump from either well for their irrigation. A CREP application (16053) is on file and they have idled 101.3 acres in Section 11, see map. It includes a $\frac{3}{4}$ pivot and one corner. The other two corners will continue to be irrigated. Proposed use is within WD130 so Water Master comments will be needed. Some of the water right shapes were nominal so I have updated the shapes correctly through this transfer. (If anyone is wondering why the water rights are for only 27 irrigated acres in the NENE of Section 14 while it looks like there is now a pivot and approximately 39 acres under irrigation in the NENE of Section 14, it is because the neighbor, Rocky Hagan, who also farms the place for the applicants, has two water rights (36-2722A and 36-14202) which cover 12 acres in the NENE of Section 14.) Location of the wells is approximately 2 $\frac{3}{4}$ miles east and between 1 $\frac{3}{4}$ - 2 $\frac{1}{2}$ miles south of Hazelton.

- **Authority to File:**
All three rights are currently in the name of Robert J and Janet Shepard. **Zions Bank is the lien holder on the property and a letter was provided from them agreeing to the transfer.**
- **Water Right Validity:**
Right 36-7737A was decreed on 12/8/2001, 36-7737B was decreed on 12/18/2001, and 36-14201 was decreed on 8/27/2001. Recent aerial photos of the area show apparent irrigation so forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated. The wells are already in existence and no new wells will be drilled at this time. The well in Section 11 is within Cell 75, 39 of the ESPA model and the well in Section 14 is in adjacent Cell 75, 38 so no mitigation was required.
- **Enlargement of Use:**
None anticipated. Location is within Water District 130 so measurement and reporting will be required.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: November 17, 2008
To: Transfer 75240
From: jroberts
Re: Legal Notice Remarks

Transfer seeks to add points of diversion to three water rights currently authorized to divert a total combined rate of 3.67 cfs and 1,048 AF from two existing wells for the irrigation of 262 acres located approximately 2 3/4 miles east and 1 3/4 - 2 1/2 miles south of Hazelton. No new wells will be drilled.

Hazleton

36-7737A

36-7737B, 36-14201