

MEMORANDUM

Date: February 6, 2008
To: Transfer 73723 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Transfer is part of a package of six transfer applications (T # 73721, T # 73722, T# 73723, T # 73724, T # 73725, and T # 73726) that propose to swap water rights between three farms. Transfer # 73723 proposes moving a part of right 36-8415 (0.48 cfs & 24 acre portion which has been renumbered to 36-16553) from a farm located at the east edge of the Acequia town site, approximately 3.4 - 3.75 miles north and 3.70 - 4.0 miles east of Rupert to a 160 acre permissible place of use (PPU) on a farm located approximately 15.0 - 15.5 miles north and 2.0 - 2.5 miles east of Rupert. The transfer also proposes taking the remaining part of right 36-16170 (1.94 cfs & 125.4 acre portion remaining after companion Transfer # 73722 & companion Transfer # 73724 which has been renumbered to 36-16552) and changing its place of use to the same 160 acre PPU. Transfer will allow for an existing well located at the 160 acre PPU and another existing well located 0.25 miles east of the 160 acre PPU to be used to divert 2.42 cfs for the irrigation of 149.4 acres within the 160 acre PPU. Note that companion transfer # 73721 also proposes modifying right 36-8624 for the remainder of the 160 acre PPU. The points of diversion are located within the ESPA and Water District 130. Companion transfer # 73724 proposes transferring a 24 acre portion of a right (36-16170 split and renumbered to 36-16551) from the 160 acre PPU and associated wells to the original 36-8415 well and land near Acequia. Because of the water rights being swapped in the same amounts (96.0 afa), an ESPA ground water model analysis is not required.

- **Authority to File:**
The applicants are listed as the current owner of right 36-16552 (renumbered from 36-16170) and provided a copy of a quitclaim deed for the current place of use of 36-16553 (renumbered from 36-8415) from the current owner of 36-8415.
- **Water Right Validity:**
Right 36-16170 was decreed in December of 2001 and recent aerial photography shows use of the right. Right 36-8415 was licensed in November of 1993 and recent aerial photography and water district records show use of the right.
- **Injury to Other Water Rights:**
None anticipated. Water rights with different priority dates are being swapped in the same amounts (96.0 afa).
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues 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.