

MEMORANDUM

Date: January 16, 2008
To: Transfer 74278 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 50-acre portion (1.00 cfs) of a groundwater right, 43-4158, from a farm located approximately 1.5 - 2.0 miles south and 0.0 - 0.5 miles west of Malta to a farm located approximately 14.75 - 15.25 miles south and 3.0 - 3.25 miles east of Malta. An existing irrigation well located at the farm southeast of Malta will serve as the new point of diversion for the portion of the right being transferred. The application also proposes proportionately reducing a relatively late priority Cassia Creek water right, 43-408, on the original farm southwest of Malta by 50 acres and 1.00 cfs to insure that 50 acres are no longer irrigated on the original farm after the transfer is approved. The application includes a copy of a watermaster affidavit from an IDWR hearing indicating that the relatively late priority Cassia Creek water right, 43-408, is basically never delivered and is essentially just a paper right. Note that right 43-10123 is an associated right for the portion of the groundwater right, 43-4158, being transferred due to a common diversion rate condition. Also note that rights 43-2287 and 43-10477 are currently diverted from the proposed point of diversion (existing well) for the portion of the right (43-4158) being transferred. Because right 43-10477 is an expansion of right 43-2287 a condition needs to be implemented to insure that the portion of the right (43-4158) being transferred does not somehow get utilized for the expanded use allowed by 43-10477. For this reason a condition requiring the installation of totalizing measuring devices dedicated distribution lines to the authorized place of use for right 43-13534 and the authorized place of use for rights 43-2287 and 43-10477 is proposed. The properties involved with the application are located outside of the ESPA. The relatively late priority Cassia Creek water right, 43-408, is part of Water District 43C (surface water only) and the groundwater rights are not associated with any water district.

- **Authority to File:**
The applicant is listed as the current owner of the right being transferred, and the right being proportionately reduced, according to IDWR records. The application includes a copy of a tax notice showing that the applicant owns the proposed place of use.
- **Water Right Validity:**
The rights involved with the transfer have been recently decreed in the SRBA.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. The application proposes proportionately reducing a relatively late priority Cassia Creek water right, 43-408, on the original farm southwest of Malta by 50 acres and 1.00 cfs to insure that 50 acres are no longer irrigated on the original farm after the transfer is approved. A condition will be implemented to not allow simultaneous use of the portion of the right being transferred and expansion right 43-10477 to insure that enlargement of 43-10477 does not occur.
- **Local Public Interest:**
Application will be subject to public notice and protest.
- **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.