

MEMORANDUM

Date: August 31, 2005
To: Transfer 71772
From: kwilson
Re: Evaluation

This transfer on rights 29-2292, 29-13143 & 29-13144, and Transfer # 71889 (29-2419) propose to re-arrange the acres in the place of use and to split the ownership of the individual rights involved in these transfers. The split in ownership is stipulated in the settlement of Case No. CV-2003-2091-OC of the District Court of the Sixth Judicial District of the State of Idaho, in and for the county of Bannock, dated October 13, 2004, and in a quitclaim deed.

Authority to File:

Applicant has provided evidence of ownership in a quitclaim deed that outlines the land and the water rights involved in this transfer.

Water Right Validity:

All rights involved in this transfer were decreed on March 22, 2004, in the Snake River Basin Adjudication. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

This transfer re-arranges the acres in the place of use from being on both the East and West side of I-15 to only being on the East side of I-15. The place of use will remain in the same cells (Row 13, Column 46 & Row 14, Column 46) of the Eastern Snake Plain Aquifer Spreadsheet. The only point of diversion proposed in this transfer is an existing well located in the NESE Sec 35, T05S, R34E, that is already a point of diversion listed for these rights. (Point of diversion is located in Row 13, Column 46 of the Eastern Snake Plain Aquifer Spreadsheet.)

Enlargement of Use:

This transfer will separate a primary right (29-13143) from a secondary right (29-2914). The re-combination of 29-13143 with 29-2292 and 29-13144 will cause 29-13143 to become a secondary right. This only increases the diversion rate without increasing acres irrigated or the total volume limit. The irrigation system under 29-2914 will lose the 0.56 cfs diversion of 29-13143 and the 126 acres originally covered by both rights will lose priority. The net effect of this transfer will not constitute an enlargement.

Local Public Interest:

This transfer will complete the settlement of the agreement between the parties involved. No other issues identified.

Beneficial Use Conservation of Water Resources:

No issue identified.

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.