

MEMORANDUM

Date: August 18, 2004
To: Transfer 70815
From: kwilson
Re: Evaluation

This transfer proposes to dry up 288.8 acres in T08N, R36E, Sec 30 under water rights 31-11410, 31-11414, and 31-11428 and move the rights to a 230.0 acre place of use in T07N, R37E, Sec 1 and Sec 2. The transfer moves the water rights across the ESPA approximately 12 miles. The transfer proposes drilling two interconnected wells at the new place of use, reducing the irrigated acres to 230 acres, and using 58.8 acres of the rights for mitigation.

Authority to File:

Rights 31-11414 and 31-11428 are Bureau of Land Management water rights. Sid Brown has Land Use Permit IDI-25450, and a letter of intent that will allow Sid to remove these two water rights from BLM ground. Enclosed is a Memorandum from Sid Brown transferring these water rights to Kirk Egbert, and a Contract of Sale of Water rights 31-11410, 31-11414, and 31-11428 to Kirk S. and Kathryn H. Egbert.

Water Right Validity

All rights involved have been recently decreed in the SRBA with partial decree date of February 22, 2002. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

Included with the application is the ESPA Spreadsheet prepared by Bryce Contor. The mitigation plan includes permanently reducing the total irrigated acres to 230 acres, and under the proposed pumping plan fallow 110 acres for mitigation for the first three years, gradually reducing the fallowed (mitigation) acres until 130 acres are irrigated in the NW 1/4 Sec 1 and 100 acres in the NE 1/4 Sec 2. The pumping volume and total consumptive use are reduced.

Enlargement of Use:

By permanently fallowing 58.8 acres for mitigation under the proposed pumping plan the impacts to the Eastern Snake Plain Aquifer are within the five-percent confidence band for modeling effects.

Local Public Interest:

By moving these rights the transfer also reduces impact to Camas Creek, Mud Lake, and wells near the -from- point of diversion.

Beneficial Use Conservation of Water Resources:

The original use of these water rights was through sprinkler irrigation. The proposed system will consist of two center pivots and hand lines with sprinklers. These irrigation practices maintain the beneficial use and conservation of water resources.

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.