

MEMORANDUM

Date: February 12, 2004
To: Transfer 70865
From: kwilson
Re: General

This transfer proposes to move the point of diversion and place of use for water rights 31-2322 and 31-11229. The new point of diversion and place of use are approximately three and one half miles (3.5 miles) south from the current point of diversion and place of use. These water rights are located within the East Snake Plain Aquifer.

Authority to File:

The ownership of the original and proposed place of use are evidenced by Warranty Deeds and Orders of Condemnation. In addition these water rights were decreed to the U.S. Fish and Wildlife Service on February 22, 2002, in the Snake River Basin Adjudication, Civil Case Number 39576 in the Fifth Judicial District.

Water right Validity:

These water rights were decreed to the U.S. Fish and Wildlife Service on February 22, 2002, in the Snake River Basin Adjudication, Civil Case Number 39576 in the Fifth Judicial District that established the validity of these water rights.

Injury to Other Water Rights:

The proposed transfer would move the point of diversion from Row 37 Column 50 to Row 36 Column 50 on the East Snake Plain Aquifer Spread Sheet. The ESPA Spreadsheet analysis, dated January 27, 2004, based on this proposed transfer was submitted to the department. The analysis of the Net Transfer Effect to Total Effect Without Transfer indicates that the extent of impact is minimal. In the year 2103, the modeled negative impact to the ESPA from this transfer increased an average of just 2.25% when compared to the impact occurring without the transfer. Since the modeled impact is less than 5% the transfer approval would not require mitigation. There would be minimal effect and thus no injury to other water rights.

Enlargement of Use:

The proposed transfer makes no changes in either the rate of diversion, the nature of use, the place of use, or the number of acres decreed (183 acres). Enlargement of use would be a non-issue.

Local Public Interest:

Maintenance of a wetland restoration project for wildlife is considered to be in the interest of the public.

Beneficial Use Conservation of Water Resources:

Wetland restoration for wildlife is considered to be a valid nature of beneficial use for water, and thus will be considered as a conservation of Water Resources.

Review of the proposed transfer finds no clear inconsistency with criteria set forth in Section 42-222 Idaho Code that would prevent processing this application.