



State of Idaho
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ADMINISTRATOR'S MEMORANDUM

Transfer Processing No. 6

TO: Regional Offices & Water Allocation Section

FROM: Norman C. Young *NCY*

DATE: September 27, 1982

RE: Expansion of a Water Right via a Transfer

When an Application For Transfer is received, the individual performing the initial staff analysis must take a close look at the possibility of enlargement or expansion as a result of the transfer. Item 5(h) of the Transfer Analysis Sheet indicates to "check for expansion". The purpose of this memorandum is to identify how to perform this check.

Each water right in the state is limited by three parameters: rate of flow, volume, and consumptive use. Expansion of any of these parameters must be prevented. Therefore, the following items should be checked:

1. Insure that the rate of flow is not increased by comparing the rate before and after the transfer.
2. Insure that volume is not increased by comparing volume before and after the transfer.
3. Insure that consumptive use is not increased. This factor should be carefully evaluated for transfers of place of use. First, a very precise determination should be made of all existing water rights on the original place of use (Land A), and the transferred place of use (Land B). This determination should be made using all available resources (computer, plats and maps). Then the following factors should be evaluated:
 - a. When water is moved from land A to land B, land B shall not include more acres than land A. Thus, for each newly irrigated acre, one acre must be removed from irrigation.
 - b. In most cases when water is moved from land A to land B, all existing water rights on land A must be moved to land B. For example, in many cases a 40 acre tract will have several decreed rights. If one of the decreed rights is transferred, they must all be transferred to the same place of use.

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An exception is when a wateruser desires to transfer a "secondary" water right from land A to become a "secondary" water right on land B. This type of transfer is acceptable if the average annual volume diverted and consumptive use are not increased as a result of the transfer. For example, a supplemental groundwater right can be transferred from land A (which has decreed surface water rights) to land B (which has decreed surface water rights), if no increase in volume diverted or consumptive use results.

Another exception is when a surface water right is moved from land A to land B, leaving a junior groundwater right on land A. If the land is not located within a critical groundwater area, and if the Department would in general approve a new groundwater right on land A if an application were submitted, the existing groundwater right can be left on land A.

Each of the factors above must be evaluated for every transfer application to insure that expansion is prevented.