

MEMORANDUM

Date: July 25, 2016
To: Transfer 80670
From: Kerrie Mathews
Re: Transfer Evaluation

Transfer No. 80670 for water rights 33-14904 and 33-2040 proposes to split a portion of each water right. The split portions will be moved to a new place of use with a new point of diversion and the ownership will be updated. The ownership of the remaining portion of the rights will also be updated. The original application split the water rights based on a proportionate share, assuming that the water rights were fully overlapped. Upon review it was found that the rights are not fully overlapped and the could not be split proportionately - the total amount had to be split from each right. An amended application was received on June 14, 2016 to correct the split portions.

Authority to file:

The water rights and the current place of use are in the name of Merlin Smith Sr. The application contained warranty deeds conveying the rights and property to Pancheri Brothers LLC. The transfer application was signed by authorized individuals for Pancheri Inc.

Validity of the Water Right:

Water rights 33-14904 and 33-2040 were decreed on August 11, 2000. Aerial photography shows inconsistent irrigation. However, Satellite imagery and statements from the prior owner indicate that irrigation occurred in 2015. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The application was advertised, no protests were received. The water master for WD33 was notified of the transfer and did not oppose the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.