

MEMORANDUM

Date: March 11, 2015
To: Transfer 79895
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer rearranges the place of use of water right 13-2224 to reflect the installation of a pivot. It also adds an existing well as a point of diversion, and updates the ownership of the right. The transfer also proposes to change the place of use for water right 13-7476.

Right 13-7476 overlaps right 13-2224 by 15 acres in the NESW of Section 13. The transfer preserves the 15 acre overlap of the rights, but moves the overlap acres to the SWNW of Section 23. A second transfer, numbered 79868 and processed simultaneously with this transfer, combines 13-7476's POU with those of three other water rights.

Authority to File:

The applicant, Lorraine Povey, has sufficiently demonstrated the authority to file. Leonard Povey, the listed owner of water right 13-2224, passed away in 2011 and passed the property and water right to his wife, Lorraine. Lorraine Povey provided documents showing the settlement of the Leonard Povey estate.

Lorraine Povey is listed as the owner of the land at the existing place of use and proposed place of use for water right 13-2224. Hank Povey is the owner of right 13-7476, which is also rearranged as a result of this transfer. He signed application for transfer 79896 confirming his intent to move the 15 acre overlap to the SWNW of Section 23. Hank Povey, who is Lorraine Povey's son, filed transfers 79895 and 79896 in person.

Water Right Validity:

The water rights are valid.
13-2224 was licensed in 1979, and 13-7476 was licensed in 2002.
Review of post-license aerial photography indicates consistent irrigation.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer.
The transfer was advertised and no protests were received.

Enlargement of Use:

No enlargement of use will result from this transfer.
The transfer does not authorize an increase in rate, volume, or irrigated acres.
A second transfer, Transfer 79896, filed simultaneously on right 13-7476, created a combined POU for four rights. That combined POU overlaps the POU for 13-2224. A combined limit was placed on the five water rights limiting volume and irrigated acres.

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.