

MEMORANDUM

Date: March 11, 2015
To: Transfer 79881
From: Michael Holliday
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to rearrange the place of use to reflect current irrigation practices, to update ownership, and to correct an error in the legal description of the point of diversion of right no. 34-10532. The physical location of the point of diversion will not change. The right will continue to be delivered through the Swauger Ditch.

Authority to File:

The transfer application was signed by a manager authorized to sign on behalf of the LLC. The applicant provided a warranty deed demonstrating ownership of the current and proposed places of use. The proposed place of use includes lots that do not appear on the GCDB, but which are evident in the Idaho ownership layer. In 2000, soon after sections 25 and 30 were resurveyed, the applicant's predecessor acquired a land patent for lots 7 and 10 of section 25 and lot 8 of section 30. The legal description for the proposed place of use will be updated to reflect the appropriate lot numbers. Copies of the resurveys have been added to the file.

Water Right Validity:

Right nos. 34-10532 and 34-2325 were decreed in the SRBA in 2001. Review of post-2001 aerial photography shows regular irrigation of the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:

Other rights will not be injured by the proposed changes. The place of use is simply being rearranged to reflect changes to the irrigation system. Although the legal description of one point of diversion will change, the actual point of diversion will not change. Also, the quantity authorized to be diverted will not change as a result of the transfer. Since it is clear that the proposed change will not adversely impact other water rights, this application will not require public notice. However, watermaster comment will be sought prior to approval.

Enlargement of Use:

The proposed change will not result in enlargement of use because the number of acres authorized for irrigation under these rights will not increase. While the place of use for the two rights being transferred partially overlap, the number of stacked acres will remain the same.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

No issues identified.

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.

MEMORANDUM

Date: March 10, 2015
To: Transfer 79881
From: Michael Holliday
Re: Legal Notice Not Required

Legal Notice Not Required
3/10/2015

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.