

MEMORANDUM

Date: January 21, 2015
To: Transfer 79741
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This is the second of three transfers filed simultaneously on right 13-2220. The goal of the three transfers is, through a two-step process, to fill gaps in supplemental coverage that were created by transfers 79170 and 79182, both filed on right 13-7476.

The first step is to move right 13-2220 onto ground that transfer 79170 and 79182 covered with right 13-7476. The second step is to rescind transfers 79170 and 79182, thereby moving 13-7476 back to its licensed POU, filling in the gaps.

This transfer moves a total of 9.7 acres from 13-2220's licensed POU to the same ground that transfer 79182 covered with 13-7476. The transfer also changes the POD for those 9.7 acres. The remainder of right 13-2220 is defined in the third transfer, numbered 79742.

Authority to File:

The applicant, Hank Povey, has the authority to file.

Hank Povey owns the land onto which the right will be transferred, according to the Franklin County Tax Assessor's Office.

Hank Povey is the owner of right 13-2220. A chain of deeds was supplied linking Hank Povey back to Ted Rice, the name into which the water right was licensed. Instrument number 262831, a "Water Right Agreement," explicitly severs right 13-2220 from the land onto which it was licensed, and allows Hank Povey the opportunity to transfer the right.

Water Right Validity:

The water right is valid. It was licensed as a supplemental right on 3/22/1979. Review of post-licensing aerial photography indicates consistent irrigation of the POU.

Injury to Other Water Rights:

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

Enlargement of Use:

No enlargement of use will result from this transfer.

Rate, irrigated acres, nor volume are authorized to be increased.

Canal shares exist at both the existing and proposed POU. The proposed POU has 0.5 inches per acre from Clifton Irrigating Company.

The transfer specifically limits the volume/acre to 1.75 acre feet.

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.