

MEMORANDUM

Date: January 21, 2015
To: Transfer 79738
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This is the first of three transfers filed simultaneously on right 13-2220. Through a two-step process, the transfers propose to fill gaps in supplemental coverage created by transfers 79170 and 79182.

The first step will be to move right 13-2220 onto ground that transfers 79170 and 79182 covered with right 13-7476. The second step will be rescinding transfers 79170 and 79182, moving right 13-7476 back to its original, licensed POU.

This transfer moves 38.6 acres of 13-2220's POU to Sections 21 and 22 of T14S R38E, ground that transfer 79170 covered with right 13-7476. It also changes the POD for those 38.6 acres. The elements for the remainder of right 13-2220 are defined in transfer 79742.

Authority to File:

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

The applicant submitted a chain of deeds linking himself back to Ted Rice, the owner of the license at the time of the transfer's submittal. A "Water Right Agreement" supplied with the application, Instrument Number 262831, specifically severed right 13-2220 from the land onto which it was licensed and expressly allows the applicant the authority to transfer the water right.

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

Water Right Validity:

Water right 13-2220 is valid. It was licensed on 3/22/1979 as a supplemental right. Review of post-licensing aerial photography indicates consistent irrigation.

Injury to Other Water Rights:

No injury to other water rights will occur 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. Rate, volume, nor irrigated acres are authorized to increase. Canal shares exist at both the licensed and proposed POU. The proposed POU has 0.5 inches per acre from Clifton Irrigating Company. This transfer also explicitly limits the volume/acre to 1.87 acre feet at the new POU.

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.