

MEMORANDUM

Date: January 23, 2013

To: Transfer
78292

From: Denise Kidman

Re: Transfer Evaluation

This transfer proposes to drill a new well and change the POD/POU location. The current well production has reduced and the applicant plans to drill a new, deeper well. The POU decreed in the SRBA did not represent the correct location so this transfer will make the POU changes.

The fee charged for the transfer was \$225 which is consistent with 0.04 cfs being transferred in right 35-11394 and a change of ownership. The ownership will be changed from North Fork Energy Inc. to Idaho Department of Fish and Game (IDFG).

Authority to File:

Water right 35-11394 is currently under North Fork Energy Inc. in the Department's data base. A trail of deeds was submitted confirming the new ownership to IDFG.

Water Right Validity:

The right was decreed in the SRBA on 11/28/1997. The purpose of use is domestic and aerial photography confirms there is a house on the property. Forfeiture is not an issue.

Injury to Other Water Rights:

Transfer application is inside the ESPA and in Water District 120. The "from" POD is located in Row 83, Column 118 and the "to" POD is in Row 83, Column 119. Since the PODs lie within adjacent cells, there is no analysis required. Watermaster for WD 120 did not oppose the transfer.

Enlargement of Use:

The applicant plans to demolish the existing home and office. Three new homes and an office are proposed to be built within the new place of use. According to the partial decree for water right 35-11394 the domestic use is for one home. To avoid an enlargement the use of water under this right will continue to be for one home. The applicant will have to file a new application for permit to cover the additional homes and office.

Local Public Interest:

No negative impacts anticipated.

Beneficial Use/Conservation of Water Resources:

No issue 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.

The application has been advertised in the Morning News and no protests were filed.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO 1997 NOV 28 PM 2:39
I.R.C.P. 54(b) FOR

Water Right 35-11394

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: NORTH FORK ENERGY INC
ATTN RICHARD D HEATON
4414 S GEKELER LN
BOISE ID 83705

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1945

POINT OF DIVERSION: T04S R32E S24 SWNE Within BINGHAM County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE DOMESTIC 1 HOME	PERIOD OF USE 01-01 12-31	QUANTITY 0.04 CFS
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PLACE OF USE: DOMESTIC Within BINGHAM County
T04S R32E S24 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

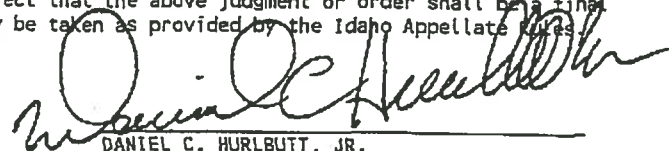
DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 35-11394

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