

## MEMORANDUM

**Date:** November 06, 2012  
**To:** Transfer 77877  
**From:** dkidman  
**Re:** Transfer Evaluation

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This transfer proposes to split a 1.5-acre portion of right 21-13135 and 21-13137 and combine the 1.5-acre portion with water right 21-2166 and 21-13083 to create a 372.5 acre combined place of use. The transfer also proposes to change the points of diversion to reflect the current system PODs. There are three active PODs that supply water to the 372.5 acre place of use. The split portion of water rights 21-13135 and 21-13137 will be changed to show these three PODs.

**Authority to File:**

Don Mickelsen is the listed current owner of the subject water rights. The taxlot data shows the applicant as owner of both the current and proposed POU. Remaining portion of 21-13135 and 21-13137 is now associated with property no longer owned by Mickelsen.

**Water Right Validity:**

All rights have been recently decreed in the SRBA in December 2007. Less than five years have passed since the partial decrees were issued. Forfeiture does not appear to be an issue.

**Injury to Other Water Rights:**

The PODs for these rights are within the ESPA but lie within adjacent cells (Row 56, Col 173). No ESPAM analysis is required. The rights are within Water District 100 and the Watermaster does not oppose approval of the transfer. Application was protested by BLM because 0.1 acres were mistakenly listed on BLM property. The proposed place of use was revised and the application amended. This resolved BLM's concerns and the protest was withdrawn.

**Enlargement of Use:**

There is no evidence of an enlargement. No additional acres will be irrigated.

**Local Public Interest:**

No issue identified.

**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 Standard Journal which resulted in protests filed.