

MEMORANDUM

Date: October 22, 2012
To: Transfer 78158
From: kmathews
Re: Transfer Evaluation

Transfer 78158 for water right 35-11643 proposes to add a point of diversion.

Authority to file:

Water right 35-11643 is currently in the name of Duane Jensen and Janeal Jensen. According to taxlot records, the current place of use is in the name of Duane Jensen. However, the application indicated that the property had been sold and only twenty acres were retained. A copy of a warranty deed was submitted showing the Mr. Jensen does own the property for the new POD. The application incorrectly indicates that the water right is in the Water Supply Bank. A search of the Database was conducted; Monica Van Bussum with the State Office was contacted to verify that this water right is NOT in the water Supply Bank. Based on a conversation with the Mr. Jensen, the new property owner will be contacting the Department to update the ownership and make any changes that may be necessary to his portion of the water rights.

Validity of the Water Right:

Water rights 35-11643 was decreed on January 31, 2002. Aerial photography shows consistent irrigation. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. The existing POD is located within the ESPA, a ESPA analysis was not conducted because the new POD and existing POD are located within the same cell. The application was advertised, no protests were received. The watermaster for WD120 did not oppose the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this transfer application.