

MEMORANDUM

Date: October 19, 2012
To: Transfer 78145
From: kmathews
Re: Transfer Evaluation

Transfer No. 78145 for water rights 34-14373, proposes to change the point of diversion and updates ownership. Water right 34-14327 is the parent water right. This water right was sold off in four portions to three individual property owners. In preparation to transfer these four individual portions, 34-14327 was split into four separate rights. 34-14372, 34-14373, 34-14374 & 34-14375 were split off the parent water right in the proportions indicated on four transfer applications; ownership information was not changed during the split. During the split the overall diversion rate and the acres under irrigation were not increased.

Authority to file:

Water right 34-14327 (34-14373) is currently in the name of Western Frontier LTD. The current place of use is in the name of James Ippolito and/or Henry Adema. The transfer application contained a warranty deed conveying a portion of the parent right to the property owners.

Validity of the Water Right:

Water right 34-14327 (34-14373) was decreed on September 5, 1961. Aerial photography does not show consistent irrigation. The transfer application contained affidavits from John Glassburn, Henry Adema and James Ippolito stating that these individuals used water right 34-14327 in its entirety within the last five years. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. No ESPA analysis was conducted has the POD will not move the POD outside of the current model cell. The application was advertised, no protests were received. The watermaster for WD34 does 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.