

MEMORANDUM

Date: September 27, 2012
To: Transfer 78007
From: mholliday
Re: transfer evaluation

This transfer proposes to combine two water rights into a single permissible place of use in order to better reflect the current use of these rights. The transfer will correct the legal description of the point of diversion to an adjacent ten acre tract, but there will be no physical change in the location of the point of diversion.

The water rights included in this transfer are stand-alone rights that do not contain combined limits with other rights. The water right shape file for 74-1663 does show a small overlap with 74-1662, but it is clear from the Lemhi Decree map that no overlap was intended for these rights. The place of use of related transfer no. 77938 fully overlaps the place of use for this transfer because the land under transfer 78007 can be irrigated from either system.

Rick Sager, the watermaster for Water District 74, did not provide written comment, but indicated over the phone that he was not opposed to the approval of the transfer.

Authority to File:

Department records show that the applicant is the current owner of both rights, and county taxlot data confirms that the applicant is the owner of the proposed place of use. An Idaho business entity search revealed that Merrill Beyeler is a manager of the company and therefore has authority to sign the application on behalf of Beyeler Ranches. The mortgage holder provided its assent to the transfer.

Water Right Validity:

Both rights were decreed in the SRBA in 2007. An amended partial decree was issued for 74-1581 in 2012. Review of post-decree aerial photography indicated regular use of the water rights since the time the partial decrees were filed. No portion of these rights appears to have been lost due to forfeiture.

Injury to Other Water Rights:

Injury to other rights is not apparent. The irrigated acreage is being slightly rearranged within a permissible place of use and there is no physical change to the location of the point of diversion. The transfer was advertised and no protests were filed.

Enlargement of Use:

The proposed changes will not result in enlargement of use. Neither rate nor acres will increase as a result of the transfer.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Review of the application reveals no clear inconsistency with the criteria set forth in Section 42-222 Idaho Code preventing processing of this application.