

MEMORANDUM

Date: April 20, 2012
To: Transfer 77784
From: kmathews
Re: Transfer Evaluation

Transfer No. 77784 proposes to combine and rearrange the places of use for water rights 33-7040, 33-7172 and 33-2138. This transfer will address a potential violation on 41.2 acres being irrigated outside of the existing water right places of use. This transfer will also update the ownership on the water rights from Pancheri Inc. to Pancheri Brothers, LLC.

The department recently conducted a review of aerial photography in Basin 33, looking for acres being irrigated outside of authorized water right places of use. A letter was sent to Pancheri Brothers, asking them to contact the department to address the place of use issues. This application addresses the potential violation identified by the department. Pancheri Brothers had sufficient acres under its water rights to cover the acres currently being irrigated.

Authority to file:

The water rights will be updated to be in the name of Pancheri Brothers, LLC, the current owner of the place of use.

Validity of the Water Right:

These water rights were decreed on August 11, 2000. The water rights have been used to irrigate at least 459 acres on the property. Forfeiture is not an issue.

Injury to Other Water Rights:

No injury to other water rights was identified. Not within a water district. Small adjustment to place of use boundaries. No change to points of diversion. No hydrologic impact. Will process as a non-advertised transfer.

Enlargement of Use:

No issues identified.

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.