

MEMORANDUM

Date: February 02, 2012
To: Transfer 77689
From: kmathews
Re: Transfer Approval

Transfer No. 77689 for water right no. 73-2A and 73-190 proposes to: change the point of diversion for 73-2A to an existing pipeline and combine the place of use for 73-2A and 73-190 to cover the installation and use of three circle irrigation systems.

Upon investigating the historical use of water for this transfer, it was found that part of the land irrigated under the west circle, (T14N21E Sec 12) is not owned by the applicant. In addition, it was found that part of the land under irrigation on the east circle, (T14N22E Sec18) is not owned by the applicant. A telephone call was made to the applicant to discuss this issue. Per a telephone conversation with Maureen Betscher, (representative for the estate of Robert Whitworth) she is aware of the issue due to a recent land survey. She has contacted a company to purchase and install pivot stops. Two pivot stops will be placed on the west circle and hand lines used, and one pivot stop will be placed on the east circle to ensure that all irrigation is kept within the Whitworth property boundary.

Authority to file:

The water right is currently in the name of Robert Whitworth. Maureen Betscher submitted proper paperwork with the transfer, establishing her authority to request the transfer. The new Point of Diversion for 73-2A is located within BLM property boundaries. The water right will be diverted from an existing pipeline constructed prior to the Federal Land Policy and Management Act of 1976, which excludes the necessity of a formal easement. The point of diversion for 73-190 is not changing, and the combined place of use for both rights is owned by Robert Whitworth.

Validity of the Water Right:

Both water rights were decreed in October of 2008 and forfeiture is not an issue.

Injury to Other Water Rights:

No injury to other water rights was identified.

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.