

MEMORANDUM

Date: January 25, 2012
To: Transfer 74658
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use for water right 13-681A. Brad Smith (applicant) is seeking to remove this water right from land that he does not own to property that was owned by him. This transfer seeks to create a 142.0 acre permissible place of use, where only 95.0 acres within the permissible place of use are authorized to be irrigated. The point of diversion for this water right will remain the same.

A companion transfer (74659) has also been filed by Brad Smith seeking to move water right 13-679 to property owned by Charles Barlow.

Authority to File:

Brad Smith provided a chain of warranty deeds showing he is the owner of water right 13-681A. This transfer and transfer 74659 were originally filed in February, 2008. Due to protested transfer application 74659 and other deficiencies, approximately 4 years have passed with no resolution to these applications. Since then Brad Smith has since sold the property under the proposed permissible place of use. Even though Brad Smith no longer owns the property under the proposed new place of use, this transfer will be approved and the ownership for water right 13-681A will be changed into his name. The new owner of the property can pursue an ownership change after this transfer approval. TJ Budge who is the applicants attorney signed the application.

Validity:

This water right was part of the 1920 Detriech decree. 2009 aerial photography shows land has been irrigated. Forfeiture is not an issue. This transfer was advertised and there were no protests. The water master for WD 11 was notified of transfer but did not comment.

Injury to Other Water Rights:

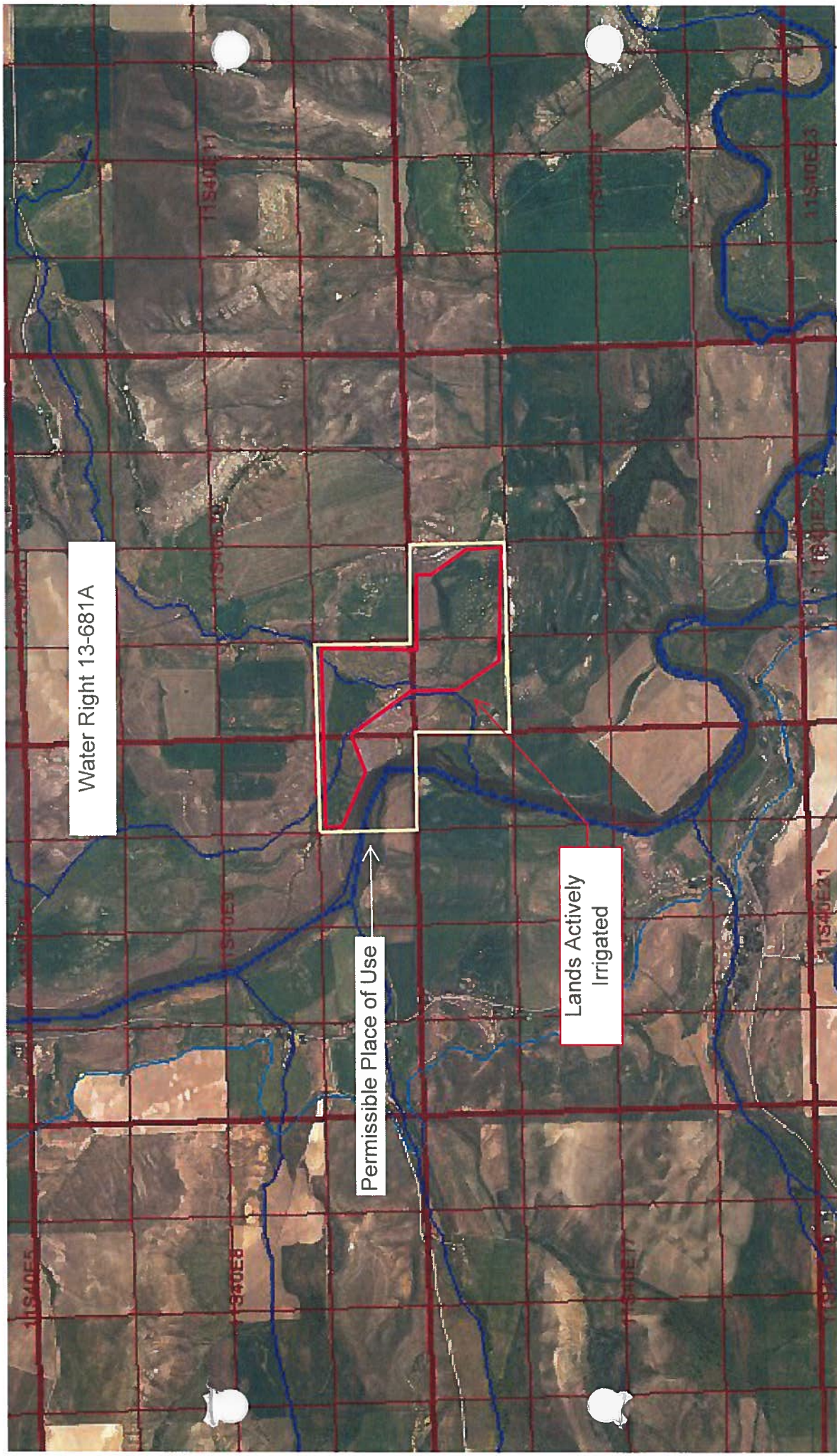
No injury issues identified. Only the place of use is changing.

Enlargement of Use: There are no apparent enlargement concerns.

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 the criteria set forth in Section 42-222, Idaho Code.



Water Right 13-681A

Permissible Place of Use

Lands Actively
Irrigated