

MEMORANDUM

Date: January 12, 2012
To: Transfer 77659
From: kmathews
Re: Transfer Approval

Transfer No. 77659 for water right no. 29-4470 proposes to: change the place of use from 20 acres below Ellis Creek to 14.2 acres above Ellis Creek. The applicant came to the Department to complete the transfer after three lots had been sold within the current POU. The applicant stated that it was understood by all parties that no water went with the sale of the property. Water right no. 29-4470 is fully overlapped by water right no. 29-401 & 29-402. In order to move 29-4470 to a new place of use, 20 acres within the POU for water right 29-401 & 29-402 will be dried up. The POU for 29-401 & 29-402 currently has three property owners in addition to the applicant listed. The applicant has enough acreage still in his possession to dry up without adverse effect to the new property owners.

Authority to file:

The water right is currently in the name of Bruce &/or Darlene Wheatley, however portions of the property have been sold, and is currently in the name of four property owners. The applicant obtained a Water Right Transfer Deed from each of the current property owners relinquishing any claim to water right no. 29-4470.

Validity of the Water Right:

The water was decreed in 2004, Water right 29-401 & 29-402 are undeliverable to the POU due to lack of water in the Garden Creek Drainage. Forfeiture does not seem to be a concern.

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.