

## MEMORANDUM

**Date:** November 07, 2011  
**To:** Transfer 77231  
**From:** kmathews  
**Re:** Transfer Approval

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Transfer No. 77231 for water right no. 01-10058 proposes to change the POD for the right. Water for this right is currently diverted at the head of the Reservation Canal and transported through the Reservation Canal to the Blackfoot River. Water is injected into the Blackfoot River and re-diverted through the Smith-Maxwell Blackfoot River headgate. Fort Hall Irrigation has been conveying the Smith-Maxwell water since the 1920s. Fort Hall Irrigation recently notified Smith Maxwell Ditch Company that it would no longer convey the Smith-Maxwell water. This transfer application proposes to change the point of diversion to the headgate of the Corbett Slough Canal Company, which has agreed to carry the water from the Snake River to the Blackfoot River for Smith Maxwell.

**Authority to file:**

The water right is currently in the name of Smith Maxwell Ditch Company. The point of diversion is located on property owned by Corbett Slough Canal Company. The applicant has provided a conveyance agreement between Smith Maxwell and Corbett Slough Canal.

**Validity of the Water Right:**

Water right 01-10058 was decreed in 2009. Forfeiture is not an issue.

**Injury to Other Water Rights:**

No injury to other water rights was found. Watermaster for WD01 does not oppose the transfer.

**Enlargement of Use:**

No enlargement concern was found.

**Local Public Interest:**

No issues identified.

**Public Notice Requirements:**

This transfer was advertised statewide for two consecutive weeks on 07/07/2011 and 07/14/2011. No protests to the transfer were received.

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.