

MEMORANDUM

Date: September 20, 2011
To: Transfer 77514
From: kmathews
Re: Transfer Approval

Transfer No. 77514 for water rights 25-2077, 25-13029 and 25-71B proposes to change the place of use for the water rights to create a 117.1 acre combined place of use.

The application was originally submitted with a combined place of use totaling 121.2 acres. Water rights 25-2077 & 25-13029 have a defined place of use for 42.1 irrigated acres. However, a condition on both of these rights authorized the combined irrigation of 46.2 acres.

An investigation was conducted to determine where this condition originated. The water right back file has a proof of completed work dated March 11, 1918 describing the place of use as 42 acres. Also included in the file is a report of engineer dated June 29, 1918 describing the place of use as 42 acres. The water right license dated February 28, 1919 approves the irrigation of 42 acres. An approved transfer was published in the Post Register in 1985 establishing the irrigation of 42 acres. The notice of claim to a water right dated 09/14/1989 required for the Snake River Basin Adjudication lists the irrigation of 42 acres. The Partial Decree date 09/30/2005 lists the place of use as 42.1 acres, and this is the first time a combined place of use for the irrigation of 46.2 acres is found. There are no notes or information as to the reasoning for this condition.

Therefore it was determined that the correct acreage for 25-2077 is 42.1 acres which fully overlaps right 25-13029. The acreage for 25-71B is limited to 75 acres. When this transfer was processed it was determined that the allowable combined place of use should be limited to 117.1 acres.

Authority to file:
The water right is currently in the name of Stan Hawkins.

Validity of the Water Right:
The water was decreed in 2005. Aerial photography shows at least 117.1 acres have been irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:
No injury to other water rights was found.

Enlargement of Use:
An enlargement concern was found, but no enlargement of acres occurred, as described above.

Local Public Interest:
No issues identified

Beneficial Use / Conservation of Water Resources:
No issues identified

Public Notice Requirements:
This transfer application is a combination of several water rights to irrigate one place of use. The place of use has historically been irrigated by these rights. It was determined that no advertising is required.

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.