

MEMORANDUM

Date: May 31, 2011
To: Transfer 77119
From: dkidman
Re: Transfer Approval

The applicant proposes to add a POD to water rights 33-2051B, 33-7013 and 33-7026 and create a PPU. The added POD is well located in T06N R29E Sec 21 NWNWNW and the preexisting well is located in T06N R29E Sec 28 NWNWNE. The applicant wants to have the ability to use either well to irrigate his fields. This transfer will also include a change of ownership for 33-2051B.

Water right 33-7026 was licensed on March 10, 1975 and 33-2051B was licensed on November 29, 1952 (33-2051). After the water rights were recommended in the SRBA, the applicant extended the corral area and the ArcMap shapefile was adjusted in the approval stage of this transfer to reflect that change. The shapefile still is for 69 acres, so no acre reduction was required.

The corners of the pivot in T06N R29E SEC 28 NE have been forfeited for non-use since at least 2004. The applicant was notified of the forfeiture and agreed that no irrigation has taken place on the corners for at least 5 years. He did not want to pursue a resumption of use. A total of 18.8 acres were forfeited.

Authority to File:

The applicant provided death certificates for Rulon and Margaret Callister. Also included with the application was the Probate of Will showing Don Callister to be the owner of the property and water rights.

Water Right Validity:

All rights involved in this transfer were partially decreed in the SRBA on 8/11/2000. After reviewing the 1992, 2004, 2006 and 2009 aerial photography, forfeiture does not appear to be an issue except for the corners mentioned above.

Injury to Other Water Rights:

Injury to other water rights does not appear to be an issue. The from POD lies in Column 130 and Row 28 and the to POD lies in Column 130 and Row 27 of the ESPA model. According to the Transfer Memo 24, an ESPA model analysis is not required when the PODs are in adjacent cells.

Enlargement of Use:

Combined limits for each water right have been included on the water rights. No other issues identified.

Local Public Interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

These water rights are within Water District 33.

The application has been advertised in the Arco Advertiser. The Department has not received an affidavit of advertising yet. No protests were filed.