

MEMORANDUM

Date: April 28, 2011
To: Transfer 77106
From: dkidman
Re: Transfer Approval

The applicant proposes to transfer the POD to a new well that will be drilled on his property. The POU for 27-2125 was split up several times and the applicant cannot access the well to irrigate his acres. The proposed new well will be located in T03S R34E Sec 13 Govt. Lot 3 NESW. The new location would be approximately 0.3 miles northwest of the current POD. Transfer application lists the proposed POD in the NENW. However, the map provided with the transfer clearly shows the new POD in the NESW, the same QQ as the water right POU. Transfer application also refers to "lot 3," which lies primarily in the NESW. Transfer approval will list the new POD in the NESW.

Authority to File:

The applicant is the owner of water right 27-2125G on IDWR data base. Bingham County taxlot information confirms that the applicant is the owner of the property.

Water Right Validity:

This right was involved in the SRBA and was partially decreed on 8/13/2007. Forfeiture is not an issue.

Injury to Other Water Rights:

This right falls within the ESPA boundary. The from and to PODs both are located within the same row and column (Row 83, Column 132). According to Transfer Memo 24, if the PODs are located within the same or adjacent cells, it is not necessary to run the ESPA Model. This proposed transfer lies within Water District 120 and the watermaster does not oppose this transfer.

Enlargement of Use:

No enlargement was found since the transfer deals only with the changing of the POD. No other element of the water right will be changed.

Local Public Interest:

No issue identified.

Beneficial Use/Conservation of Water Resources:

No issue 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.

The application has been advertised in the Morning News and no protests were filed. Transfer was advertised with the POD located in T03S R34E Sec 13 Govt. Lot 3 NENW but should have been NESW. Since the Govt. Lot was correct, there is no need to re-advertise. The Govt. Lot is based on a recent survey of the NESW providing a more accurate location of the POD.