

MEMORANDUM

Date: January 03, 2011
To: Transfer 75451
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use for water right 29-4302, 29-11463 and 29-11465. The applicants exchanged approximately 20 acres of their property for approximately 20 acres of property owned by adjacent owner the Wheatleys. The applicants and the Wheatleys chose to withhold their water rights and transfer them to their new property after the property exchange occurs. The applicants are seeking to change the place of use for these water rights to the property that they obtained from the property exchange. Ralph Wheatley who withheld ground water right 29-8020 has yet to file a transfer application. Water rights 29-40302, 29-11463, 29-11465 and Wheatley's water right 29-8020 will overlap for a short time until Ralph Wheatley files an application for transfer moving his water right to the new property he obtained in the exchange. This transfer will not result in the applicant's rights and Ralph Wheatley's right being combined permanently.

Authority to File:

Applicants are the current owner of water rights per IDWR record and warranty deeds.

Water Right Validity:

2009 aerial photography shows land to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Within an in-active water district. No point of diversion change. Applicants seek to change the place of use only. There is no evidence of injury or change in water source. Will process as a non- advertised transfer.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue 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 application.