

MEMORANDUM

Date: December 20, 2010
To: Transfer 76670
From: dkidman
Re: Transfer Approval

The purpose of this transfer is to change the POD and POU for water rights 25-4114 and 25-10226. The POD will be transferred from T02N 38E SEC 15 NWNWNE, Spatial Data point 251955, to T02N 38E SEC 10 SESESW, Spatial Data point 299858. Beco Construction and Lincoln Land Company LLC are leasing the well site and water rights to Falls Water Co., Inc. The POU will be changed to Falls Water Co., Inc. service boundary.

Authority to File:

Applicant is the current owner of the water rights. The applicant has provided warranty deeds as proof of ownership which confirms the county tax lot information provided to the Department.

Water Right Validity

Water Right 25-4114 was decreed in the SRBA on 3/12/2007 and 25-10226 was decreed in 9/30/2005. These water rights were for domestic use and have been put to beneficial use for the original homes on the rights but delivered by Falls Water Company. Forfeiture is not an issue since the only change has been the delivery system.

Injury to Other Water Rights

Transfer application is inside the ESPA and in Water District 120. The ESPA model shows the new and old POD is in the same row (73) and column (164), so no ESPA analysis required. The Department requested Watermaster comments concerning this transfer but did not receive any comments. Advertise in The Post Register which resulted in no protests.

Enlargement of Use

No apparent increase will result from this transfer. The combined limits will remain on the water rights.

Local Public Interest

No negative impacts anticipated

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.