

MEMORANDUM

Date: January 22, 2003
To: Transfer 70217
From: kwilson
Re: Transfer Evaluation

This transfer proposes to dry up original decreed place of use (approximately 97.9 acres) for use on more productive land (88.6 acres). The transfer moves the water only 1 mile to the site the new place of use. The transfer proposes no new diversion points but establishes a historical point of diversion. The diversion rate will be reduced to reflect 0.02 cfs/acre (1.77 cfs)

Authority to File:

Decreed place of use is owned by Dan McKay as evidenced by 2001 Tax Notice, and the new place of use owned by Dan McKay as evidenced by faxed plat from the Franklin County Assessor office.

Water Right Validity:

Validity of the rights involved: Water right 13-138 was decreed in Rasmussen VS Nielsen (13-L), April 21, 1921. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

There appears to be no injury to other water rights. Water master for Bear River does no object to transfer.

Also the Watermaster provided the period of use for this right via a phone conversation with Harold Jones of this office.

Enlargement of Use:

The diversion rate will be reduced from 2.00 cfs to 1.77 cfs and the place of use acres appear to be reduced by this transfer.

Local Public Interest:

According to the applicant the new place of use is more productive land. If this is the case it is would appear that this transfer is in the local public interest.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds 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 Preston Citizen." No protests were filed during the protest period.

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

RECEIVED
NOV 04 2002
Department of Water Resources
Eastern Region

Transfer Application No: 70217 Water Right No(s): 13-138
Transfer Applicant's Name: DAN MCKAY FARMS

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
b) ☒ I do not oppose approval of this application if it is conditioned as follows:

1 must have measuring devices
2 Know that they have a Junior Right 1921 and can
be turned off in dry years.

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional Comment:

Dated this 2 day of NOV., 2002

Water District No: 11


Watermaster's Signature

SCANNED
JAN 14 2003