

MEMORANDUM

Date: September 24, 2010
To: Transfer 70645
From: jcefalo
Re: evaluation of amended transfer

The AMENDED transfer proposes to add a POD upstream on Marsh Creek. The added point of diversion is for a ditch that conveys water to a common pumping area which is also supplied with water from the existing point of diversion. There is no change in the water right place of use. That element of the original transfer was removed. Transfer was re-advertised as amended.

Authority to File:

Applicant provided tax notices and is the owner of record as far as SRBA decree. Lienholder gave the OK for this transfer. The applicant listed on the original transfer, Downata Ranch & Recreation Co., underwent an organizational split. A new company, Mount Oxford Ranch Co., was created to hold this water right and the associated irrigated acres. The name on the water right will be changed as part of this transfer.

Water Right Validity:

This water right is decreed in the SRBA in 2004. Transfer filed in 2003. 2006 aerial photography shows that the place of use is irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

Adding a POD upstream while maintaining old POD. New POD is approximately one mile upstream of old POD. No water rights take off of Marsh Creek between the PODs. Water availability does not appear to be a problem. No active water district. Transfer was re-advertised to determine any protests. No additional protests were received. Protestants from the original Transfer did not show up for a scheduled prehearing conference.

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.