

MEMORANDUM

Date: April 06, 2004
To: Transfer 66132
From: jstanton
Re: Comment/Analysis

I helped Mr. Anderson file this application several years ago. The changes proposed have already occurred, so approving it now will allow the SRBA to recognize the present reality (assuming the transfer can be approved before June 1 or so). Although I have requested SRBA review, this is only for AFTER the approval occurs. Jeanie Robertson is aware of the transfers, but has made her recommendations based on 1987 facts. The transfer appears to be approvable with proper conditions. The companion transfer 66133 covers the surface rights on this land. Although the non-expansion rights are part of the Basin Creek Decree, the watermaster has nothing to do with these wells; I am therefore not showing these rights as being in the water district (which is often inactive anyway, as they do not turn in the required paperwork for watermaster appointment).

Authority To File: The applicant is the recognized owner in the SRBA. The proposed ppu will be sold as soon as the transfer is approved.

Water Right Validity: The transfer is based on the final SRBA recommendations. Forfeiture does not appear to be an issue.

Injury To Other Rights: Although the proposed ppu is much larger than the allowable acreage, no injury should occur with proper conditions and proper compliance. Spring users in District 45-A have complained that use of the south well is drying up their water source, but the well has been used for many years without anybody stopping it. I told one of the complainers (who is also the new watermaster) that I would let him know when the preliminary order came out so that he could comment if he so desires.

Enlargement of Use: None requested.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: Water will totally be applied through sprinklers for maximum efficiency.

Review of this application finds that there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing. No protests were received during the advertising period, and no other issues have been identified that would require further review or submittal of additional data by the applicant.