

MEMORANDUM

Date: May 27, 2010
To: Transfer 76444
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the point of diversion for water rights 32-13289 and 32-13291. Applicant proposes to move point of diversion upstream approximately one mile on medicine lodge Creek to an existing diversion. Applicant also proposes to change ownership of water rights 32-13289 and 32-13291 from Howard Taylor & Sons INC to Hamilton Land & Livestock LTD.

To prevent an enlargement and injury, rights 32-13289 and 32-13291 will have a condition that says: Diversion of water from the point of diversion in NWNWNW Sec. 17 T10N R35E B.M. is limited to those times water is available for diversion under this right and priority from the original point of diversion in NWNW Sec. 20 T10N R35E B.M.

Authority to File:

Applicant provided a warranty deed verifying ownership of water rights 32-13289 and 32-13291. Cletus Hamilton signed the application.

Water Right Validity:

Water rights 32-13289 and 32-13291 were decreed in 2000. Howard Taylor & Sons filed an application for transfer (75966, approved) in 2009 proposing to transfer a portion of water rights 32-35 (32-13289) and 32-37 (32-13291) to a new place of use. Rights 32-35 and 32-37 were found to be irrigated in 2006. The validity of water rights 32-13289 and 32-13291 is based on the use of rights 32-35 and 32-37 in 2006. Forfeiture not an issue.

Injury to Other Water Rights:

Within WD 32C. There are no existing point(s) of diversion between the applicants existing point of diversion and proposed point of diversion. No evidence of injury.

Water master does not oppose transfer.

Transfer was advertised and there are no protests.

Enlargement of Use:

No issues identified

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.